

London Borough of Merton
Statement of Community
Involvement (SCI) (planning)
June 2020.

Reviewing the Statement of Community Involvement (SCI).

The SCI will be kept under reviewed and updated when necessary to reflect current practice and changes to consultation methods and planning legislation requirements. The SCI itself does not create planning policy, amend existing or give further details on planning policies or regeneration projects.

General Data Protection Regulation (GDPR)

EU law on data protection and privacy for all individual citizens of the European Union and the European Economic Area. It also addresses the transfer of personal data outside the EU and EEA areas.

Merton Council handles all personal data received in line with its Privacy Policy, available at <https://www.merton.gov.uk/council-and-local-democracy/data-protection-and-freedom-of-information/policies>

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1. Introduction

- 1.1 Planning can help to shape how places, areas and spaces can look where people live, work and play. Therefore, it is essential that the local communities, businesses, key stakeholders, neighbouring boroughs and other interested parties have an opportunity to take part in this process.

2. What is the Statement of Community Involvement?

- 2.1 Merton's Statement of Community Involvement (SCI) sets out how the council will involve local people, local businesses, other key organisations and stakeholders when preparing planning policies documents and on submitted planning applications. All local planning authorities (the council) are required under section 18 (1) of the Planning and Compulsory Purchase Act 2004, to prepare and maintain a SCI.

3. Our approach to involving the local community in planning

- 3.1 We want to ensure local communities are better informed about planning, its role in shaping the development and growth in Merton. To achieve this we aim to follow these additional principles:

- Be transparent in the way planning decisions are carried out
- Be realistic about the opportunities for change in any consultation
- Promote the use of electronic methods of consultation including email and the council's website to make involvement easier, quicker and more cost effective
- Be clear and helpful in guiding people through the planning process
- Be inclusive in consultations so a broad range of views are heard from people living and working in the borough
- Be open about the constraints imposed by regulations and planning policies (national and regional)
- Seek views at the earliest possible stages and throughout the planning process.
- Give feedback to comments made during consultations
- Use consultation methods that are appropriate to the stage of the planning process and the issues being considered

4. Merton's SCI background

- 4.1 In 2006 Merton Council adopted its SCI. However since its adoption there have been a number of changes to planning legislation, planning guidance and technological advances such as social media, which have changed the way public consultations and engagements are carried out which means Merton's SCI (2006) requires updating.
- 4.2 In accordance with the relevant legislation this SCI sets out how, when and who will be consulted throughout the preparation of a development planning document such as a Local Plan and other statutory development planning documents for example Supplementary Planning Documents (SPDs) prepared by the council. Furthermore, it also sets out how the council will consult on planning applications.
- 4.3 In addition to legislative requirements of what should be included in an SCI, this document also sets out the principles for consultation/engagement on Neighbourhood Plans/planning¹. This SCI has been prepared in accordance with:
- The Planning and Compulsory Purchase Act 2004 (as amended)
 - The Localism Act 2011,
 - The Town and Country Planning (Local Planning) (England) Regulations 2012
 - The Town and Country Planning (Development Management Procedure) (England) Order 2010 and
 - The National Planning Policy Framework (NPPF 2019).

5. The benefits of involving the local community

- 5.1 Merton's local communities are those that are most likely affected by development in their local area and more importantly, know the most about their neighbourhood and how they would like it to grow and be shaped for the future. There are many benefits in involving local communities in the planning process for the council, these include:
- Benefiting from the detailed local knowledge and perspective of local people and community organisations/groups
 - Community commitment to the future development and growth of their area
 - Greater support for policies, strategies and decisions
 - Improving wellbeing and the environment (built and natural environment) within Merton.

¹ Neighbourhood planning is a right for communities introduced through the Localism Act 2011. Communities can shape development in their areas through the production of Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Orders <https://www.gov.uk/guidance/neighbourhood-planning--2>

6. Accessible consultations and engagement

6.1 For consultations the following considerations should be considered when holding public consultation and/or events in Merton to ensure they are accessible. The points outlined below, should be considered when holding consultations/engagement whether held by applicants or the Council or neighbourhood planning forums or any other event in the context of planning process:

- Ensure venue(s) acoustic is good especially in large rooms (even without hearing aids it can be hard to hear due to echoing effects). The use of microphones and speaker should be considered not only for the host but, for the use of the audience also.
- The room proposed for the consultation should be sufficiently large enough to house the anticipated numbers of attendees.
- Building that is compliant to meet needs of disabled people and people with reduced mobility for example: with lift, ramps, accessible toilet, sensory sensitivity
- Time of meeting - consideration for those with caring responsibilities (e.g. school pickups and drop-offs), work patterns, safety (avoiding late night meetings)
- Signers for people who are either deaf or have impaired hearing
- Induction loops
- In a location with high footfall
- Accessible location that has good transport links
- Buildings located in a well-lit area if consultation is taking place at night
- Parking for disabled people
- If providing refreshments check dietary needs
- Always provide water
- Handouts and presentations in plain English and alternative formats such as braille.
- Ensure presentation slides do not have complicated backgrounds for those with visual impairments and dyslexia
- Use plain simple English language i.e. 'Plain English'² particularly when providing information about planning.
- Provide translated documents on request in accordance with the Ministry of Housing, Communities and Local Government –formerly the DCLG³: Guidance on translation into foreign languages



² <http://www.plainenglish.co.uk/>

³ www.parliament.uk/DCLG-guidance-on-Translation

- Provide documents that are available in other formats on request. The main audio formats⁴ are:
 - audiotape
 - digital audio files, for example MP3 format
 - CD-ROM
 - CD
- Communicate consultation as widely as possible and ensure that consultation is advertised in specialist press targeted at groups and use social media where appropriate.

7. Our approach to involving the local community in planning

7.1 We want to ensure local communities are better informed about planning, its role in shaping the development and growth in Merton. To achieve this we aim to follow these additional principles:

- Be transparent in the way planning decisions are carried out
- Be realistic about the opportunities for change in any consultation
- Promote the use of electronic methods of consultation/involvement including email and the council's website to make involvement easier, quicker and more cost effective
- Be clear and helpful in guiding people through the planning process
- Be inclusive in consultations so a broad range of views are heard from people living and working in the borough
- Be open about the constraints imposed by regulations and planning policies (national and regional)
- Seek views at the earliest possible stages and throughout the planning process.
- Give feedback to comments made during consultations
- Use consultation methods that are appropriate to the stage of the planning process and the issues being considered

8. Statutory development planning documents

8.1 Planning in England is policy led and having local planning policies in place is important to ensure that the right development in Merton takes place.

8.2 Merton's Local Plan currently consists of the National Planning Policy Framework (NPPF), national Planning Policy Guidance (PPG), the London Plan and its supporting (for example Supplementary Planning Documents/guidance) and:

- **Core Planning Strategy (2011):** sets out Merton's strategic

⁴ <https://www.gov.uk/government/publications/inclusive-communication/accessible-communication-formats>

objectives of the planning framework for the borough. It brings together strategies relating to land use in an integrated manner to provide a long-term spatial vision and a means to deliver that vision.

- **Sites and Policies Plan (2014):** consist of development policies and site allocations for future development in the borough
- **Policies Map (2014):** contains policies to help the council to implement its Core Planning Strategy policies to ensure all proposed development reflects the spatial vision for the borough and provides detailed policy to guide planning decisions

8.3 The above documents will be replaced with a new Local Plan for Merton, which will be one document. The document will still consist of strategic and development policies and site designations for example for open space and development site allocations, as seen on the Policies Map. The new Local plan is expected to be adopted in 2021.

- **South London Waste Plan (2011)** (*also known as Joint Waste Development Plan Document*). Sets out the issues and objectives to be met in waste management for the next ten years. It is a joint Development Plan Document and covers the geographical area comprising the London Borough of Croydon, the Royal Borough of Kingston upon Thames, the London Borough of Merton and the London Borough of Sutton.

8.4 Merton and neighbouring boroughs (named above) will be producing a new South London Waste Plan, expected to be adopted in 2021⁵.

- **Estates Local Plan (2018):** sets out site specific development planning policies for three housing estate in the borough (this document is used in conjunction with other Local Plan documents)

8.5 The new Local Plan, together with new South London Waste Plan and the Estates Plan will be collectively known as Merton's Local Plan and collectively will determine all development proposals in Merton. Merton's Local Plan can be viewed via: <https://www.merton.gov.uk/planning-and-buildings/planning/local-plan>

Who will we consult?

8.6 The Town and Country Planning (Local Planning) Regulations 2012⁶ set out the plan preparation process and minimum requirements for public involvement (regulations 18 to 26). As a minimum the council must consult and invite representations (comments) with '*specific consultation bodies*', '*general consultation bodies*' and residents or other persons such

⁵ This is subject to change and depends on when the Examination in Public takes place v Planning Inspector reports for both documents the finding

⁶ <http://www.legislation.gov.uk/uksi/2012/767/contents/made>

as local businesses in the Local Planning Authority's (LPA) area, namely Merton. A current list of specific and general consultees is provided in Appendix A.

Figure 1: Stages in the preparation of Development Plan Documents

Pre-production evidence gathering and stakeholder involvement	Research and evidence gathering to underpin the plan may involve consultation with relevant stakeholders
Public participation in the preparation of the plan (Regulation 18)	This is a widespread process which may involve more than one stage of consultation depending on the document and the nature and scale of issues involved. This is the key stage to get involved and shape the plan content. Formal consultations will run for a minimum of six weeks.
Publication and submission of plan to the government (Regulations 19, 20 and 21, 22)	We will consult on the 'submission' version of the plan for a minimum of six weeks. This stage is for parties to submit comments on the 'soundness' ⁷ of the plan prior to submission to the government. A summary of all the consultation, the main issues raised and how these were taken into account will be submitted alongside the plan to the government.
Examination of the plan by a Planning Inspector (Regulation 24)	Relevant consultees and those who made a representation at the <i>submission stage</i> will be notified of the examination. The examination includes consideration of the comments received during the previous stage and will involve public examination hearings. Those who responded may be invited to attend an examination hearing by the Inspector. The examination may result in the Inspector posing additional questions for the council and other bodies making representations. This information/correspondence will be made publically available.
Publication of the Inspector's recommendations (Regulation 25)	Following the Examination the Inspector will publish a report which assesses the 'soundness' of the planning document. This report will contain the Inspector's recommendations and any Modifications (if necessary) to the planning document. This report will be publicly available. If considered to be significant 'material changes' the Inspector can advise a further round of public consultation, usually for 6 weeks
Adoption of the plan by the council (Regulation 26)	This is the final stage where the plan is formally adopted by the council.

⁷ The preparation of the document needs to be legally compliant. The inspector will test how 'sound' the document is by assessing relevant evidence from both the local planning authority and any formal written comments. The inspector will only take into account the comments made on the 'published' plan before it is formally submitted to the Secretary of State

How we will involve the community in preparing policies

- 8.7 The ways that we may choose to involve the community and stakeholders in the production of development planning documents are set out in figure 2 below. The methods we use at any particular stage will depend on and be informed by:

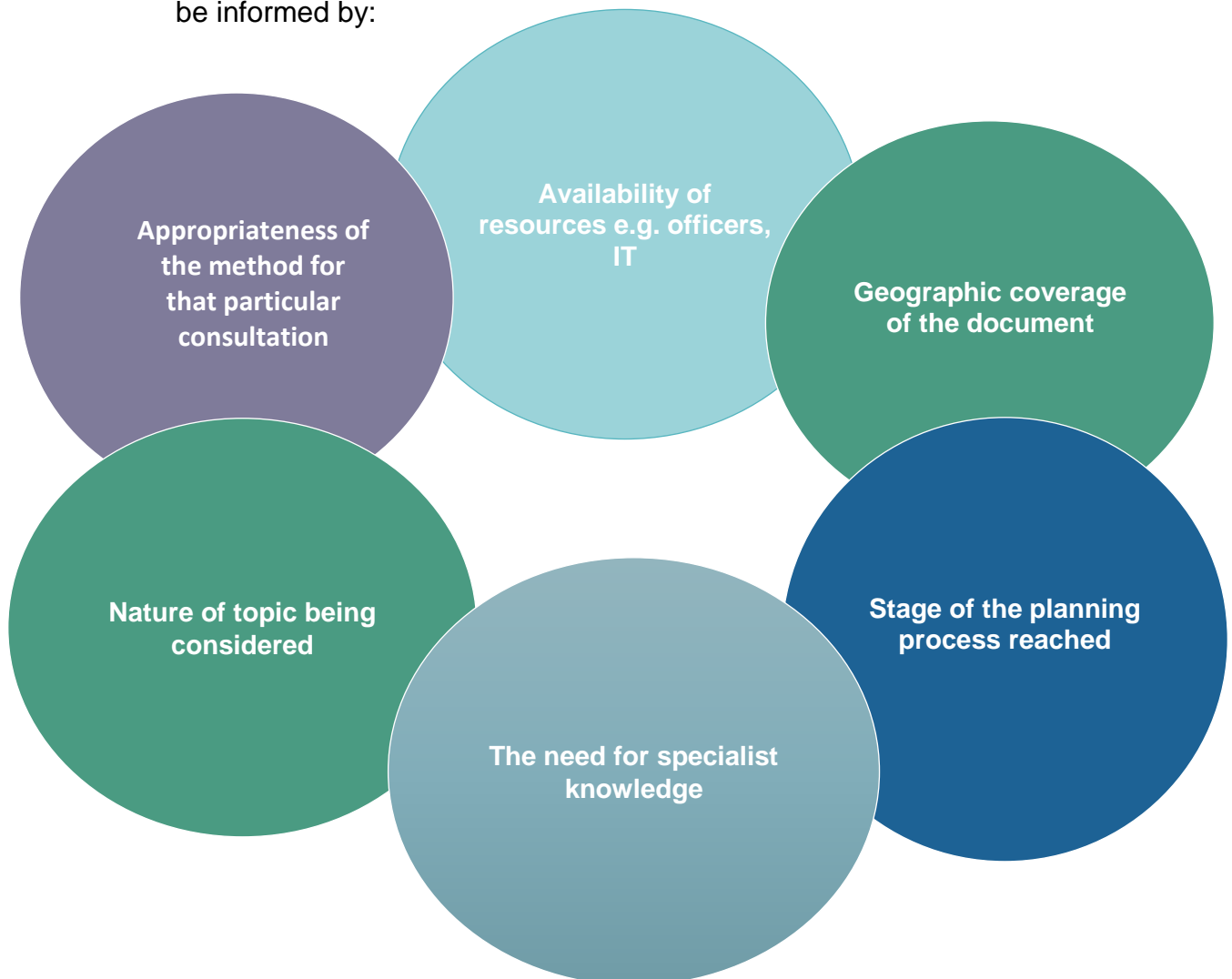


Figure 2: Consultation methods the council may use for planning documents

Website	All planning policy documents, consultations and supporting information will be available on our website. We may also use the website for online surveys, questionnaires and feedback or other consultation websites such as Survey Monkey
Get involve	Details of consultations will be added to Merton Council's 'Get involve consultation database. To get alerts please register at: https://www.merton.gov.uk/council-and-local-democracy/get-involved
Social Media	We may use social media such as the council's twitter or Facebook pages when appropriate e.g. to post updates or notify of consultation events and publications. Please note that use of social media will be for notification purposes only and not used for the receipt of consultation responses or used as a discussion forum.
Email	We will use emails as our main method of communication. Emails may include information on consultations, responses and the stage of preparation reached, adoption and general updates.
Local Plan database <i>(This database is maintained by Future Merton team and is solely used by the future Merton team for development planning document consultations.</i> <i>Any requested changes or removal of details held on the Local Plan database will only be applicable to this database only. Changes for other council teams must be reported to the relevant council team directly.</i>	We may email updates from this database to keep people updated on all relevant planning policy matters. The main method used for this will be the webpage. If you would like to be added to this Local Plan database or need to change contact details or wish to be removed from this database please email: future.merton@merton.gov.uk
Local Press	We may advertise certain consultations and stages of a plan preparation in the borough local press called The Wimbledon Times, which cover the whole of the borough. This will be determined by the council's statutory requirement to do so. These adverts/notices will let you know where more information can be found and how to get involved.
Meetings/ Community Forums	If we are invited we may meet with residents groups/organisations and other community groups relevant to the document being prepared.
Workshops	Workshops and facilitated events may be appropriate to discuss issues in detail and ensure that a range of people have a chance to express their concerns.
Targeted events	It may be necessary to arrange meetings with groups who do not normally respond to planning policy

	<p>consultations to make sure their views are heard.</p> <p>Children and young people The Council may engage with schools (with the agreement of the head teacher), Youth Parliament and youth groups.</p> <p>Ethnic Minorities This may be in partnership with community/community forums/religious/ethnic minority groups/associations or leaders.</p> <p>Disabled/Mental health This may be in partnership with voluntary organisations, charities, health professionals and other special interest groups.</p>
My Merton (Merton Council borough wide magazine).	We may advertise consultations for development planning documents in My Merton. This may not always be possible as this is a quarterly publication and publishing date times may not be the same as consultations timetables.

How we will use the results of consultation and engagement

- 8.8 When a consultation ends, we will consider the comments we have received and if necessary make changes, it must be noted that all changes following a consultation is required to be in conformity with national/ regional planning legislation, policies and guidance. We will also produce a Statement of Consultation report which will set out:
- Who was consulted?
 - How they were consulted
 - A summary of the main issues raised in the comments
 - Our response to the comments
 - How the comments have been considered.
- 8.9 This statement will be published on our website alongside the consultation documents in question.
- 8.10 All comments received for Local Plan and other planning policy and guidance consultations will be available to view on the Council’s website with all personal details removed.

Supplementary Planning Documents (SPDs)

- 8.11 The Council may also produce other planning documents such as Supplementary Planning Documents (SPDs). They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. They do not have as much weight in decisions as development planning documents but do play an important role in giving more information and detail on how our Local Plan policies will be applied.

- 8.12 SPDs are not subject to a public examination with a planning inspector, as they are prepared by the council to give further details to adopted Local Plan policies.

Figure 3: Stages in the preparation of Supplementary Planning Documents (SPDs)

Development of evidence base and preparation of draft SPD	This may involve a range of different consultation and engagement activities depending on the topics and coverage of the SPD.
Public consultation on the draft supplementary planning document (Regulation 12 and 13)	This is the key stage to shape the content of the plan. Statutory minimum “ <i>being not less than 4 weeks period</i> ” for parties to submit representations
Adoption of the supplementary planning document by the Council (Regulation 14)	This is the final stage where the plan is formally adopted by Merton Council and an adoption statement is published.

Figure 4: Merton Council commitment for SPD consultations

Stage	Our commitment
Preparation	At this stage, we will publish on the council’s website the intention to produce an SPD and ask for comments from interested people or organisations. We may also arrange other events or workshops to discuss the content of the SPD. A consultation statement will be prepared, setting out who was involved in this stage, the comments they made, and how these comments were addressed.
Consultation	A completed draft of the SPD will be published for formal consultation. We will make available copies of all consultation material (including the consultation statement) on our website, reference libraries and Merton Civic Centre, as well as contacting the specific and (where appropriate) general consultation bodies (as set out in Appendix B). We will consult for at least weeks and a further consultation statement will be prepared after the consultation is finished.
Adoption	Upon adopting the SPD, we will prepare an adoption statement and make it, the SPD, and the consultation statement available at the Merton Civic Centre, on our website and at reference libraries.

Neighbourhood Planning

- 8.13 The Localism Act 2011 allows for the preparation of Neighbourhood Development Plans (often referred to simply as Neighbourhood Plans). A Neighbourhood Plan is prepared by the community through designated neighbourhood forums and sets out policies on development and use of land in the defined neighbourhood area. Neighbourhood planning is not a legal requirement but a right which, communities in England can choose to use.

- 8.14 Communities may decide that they could achieve the outcomes they want to see through other planning routes, such as incorporating their proposals for the neighbourhood into the Local Plan or through other planning mechanisms such as Local Development Orders and SPDs or through pre-application consultation on development proposals.
- 8.15 Communities and local planning authorities should discuss the different choices communities have to achieve their ambitions for their neighbourhood. If brought forward by a community and when formally agreed by the council, the neighbourhood plan becomes a statutory planning document and must be taken into account when making decisions on planning applications in that neighbourhood. This means it has the same degree of weight in decision making as the Local Plan.
- 8.16 If the policies and proposals are to be implemented as the community intend, the neighbourhood plan must be deliverable. The National Planning Policy Framework (NPPF), requires that the sites and the scale of development identified in a plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.
- 8.17 The Neighbourhood Planning (General) Regulations 2012⁸ sets out the consultation requirements for neighbourhood planning, including the responsibilities of the local planning authority. The Council will undertake its statutory duty with respect to these regulations. The Council recommends that local people consider using the methods of community involvement set out in this SCI as the basis for their own sound and inclusive consultation on the preparation of their neighbourhood plan (including formation of the forum and neighbourhood area).
- 8.18 A Neighbourhood Plan become part of the Local Plan and the policies contained within them are then used in the determination of planning applications. The Ministry of Housing, Communities and Local Government (MHCLG) has made funding available to provide support and grants for communities looking to develop Neighbourhood Plans and Neighbourhood Development orders.

Figure 5: Stages in the preparation of Neighbourhood Plans

<p>Receipt of Neighbourhood Area / Neighbourhood Forum application (Regulation 6 and 9)</p>	<p>Merton Council shall consult for not less than six weeks, as soon as possible after receipt of a complete application. We will publish the applications on the website and bring the applications to the attention of people who live, work or carry on business in the area to which the application relates.</p>
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⁸ <http://www.legislation.gov.uk/ukxi/2012/637/contents/made>

<p>Publishing Designation of Neighbourhood Area and Neighbourhood Forum (Regulation 7 and 10)</p>	<p>If Merton Council approves the application, we will publicise the decision on the website and in such a manner to bring the designations to the attention of people who live, work or carry on business in the area to which the application relates. If refusing an area or forum application. The council will publish:</p> <ul style="list-style-type: none"> • a decision statement setting out the reasons for refusal • details of where the decision may be inspected
<p>Publicity by the Neighbourhood Forum of a Neighbourhood Development Plan prior to submitting to the Council (Regulation 14)</p>	<p>The Neighbourhood Forum leads on this stage. Before submitting a Neighbourhood Development Plan to the council, the Neighbourhood Forum should:</p> <ul style="list-style-type: none"> • Consult for a minimum of six weeks. • Ensure that they bring the plan to the attention of people who live, work or carry on business in the area to which the plan relates. • Consult the consultation body listed in Appendix C, whose interest the Neighbourhood Forum consider may be affected by the NDP • Send a copy of the NDP to the LPA. The Neighbourhood Forum can determine how to consult at this stage, but they must draw up a Consultation Statement, setting out who and how they have consulted for the next stage of the process.
<p>Following submission to the Council of the Neighbourhood Development Plan (NDP) (Regulation 16)</p>	<p>Merton Council will:</p> <ul style="list-style-type: none"> • Consult for a minimum of six weeks • Publish the NDP on its website • Bring the NDP to the attention of people who live, work or carry on business in the area to which the plan relates. • Consult the consultation bodies referred to in the Neighbourhood Forum's Consultation Statement.
<p>Publicising the Examiner's Report (1990 Act schedule 4B para 12 (11 & 12) Regulations 18 and D & 19)</p>	<p>As soon as possible after considering the examiners recommendations and deciding to take forward a NDP the council must publish on the website and in such a manner to bring the report to the attention of people who live, work or carry on business in the area:</p> <ul style="list-style-type: none"> • The examiner's report. • Its decisions and reasons in response to the examiner's report in a 'decision statement'. <p>Merton Council will send a copy to the Neighbourhood Forum and anyone who asked to be notified of the decision.</p>
<p>Referendum on the NDP</p>	<p>Merton Council's responsibility to publicise the referendum in accordance with Neighbourhood Planning (Referendum) Regulations 2012 requirements.</p>

Publishing the NDP
**subject to more than
50% people voting in
favour of the NDP
Regulation 20).*

As soon as possible after a successful referendum*, the council should publish the NDP, an adoption statement and notify any person that has asked to be notified that it has been made.

Community Infrastructure Levy (CIL)

- 8.19 CIL is a levy charged on most new development in Merton which contributes some of the funding towards new infrastructure in the borough. The current CIL charging schedule was adopted in April 2014.
- 8.20 When adopting a new or revised CIL charging schedule, consultation requirements are similar to those for a Local Plan. The level of consultation will be commensurate with the type and scale of changes proposed. For changes, affecting many areas we will prepare a preliminary draft and undertake engagement on this; then prepare a final draft for which we will undertake the statutory consultation required.
- 8.21 As well as consulting with local resident representatives and organisations, we will take care to consult closely with local developers and infrastructure providers in preparing a CIL charging schedule with wholesale changes.
- 8.22 For a small change affecting a small number of potential sites a more targeted approach may be followed when consulting on draft proposals focusing on stakeholders of the respective sites, in accordance with statutory requirements. After consulting, an independent examination of the charging schedule will take place before adoption. Future details on Merton's CIL can be found on Merton's website www.merton.gov.uk/cil

9. Development Management

- 9.1 Development Management (formerly known as Development Control) is an integral part of the planning process. It puts development plans and policies into action to achieve sustainable development. Development Management includes the process by which planning applications (including applications for planning permission, listed building consent, advertisement consent and prior approval) are decided.
- 9.2 Development Management includes: pre-application engagement, which aims to shape development and deal with key planning issues well in advance of an application being submitted. Pre-application consultation is not mandatory, but is strongly encouraged. Early engagement leads to better development proposals and increases the likelihood of a proposal complying with the Local Plan.
- 9.3 The Council no longer accept any applications via post, except in exceptional circumstances.
- 9.4 All applications must be submitted through the [Planning Portal](#) website. The only exception being Prior Approvals which can be sent via email to prior.approvals@merton.gov.uk. The figure 6 below, sets out the stages a development proposal may go through in more detail (although this is indicative only and there will be exceptions to this standard pathway).

Figure 6: Stages of development proposals

<i>Pre-application stage</i>	The Council provides pre-applications advice to applicants on a proposed application on the request and fee submission of the applicant.
	The applicant undertakes pre-application consultation with the local community and other relevant organisations depending on the characteristics of their site (e.g. the Environment Agency, Transport for London). This is strongly encouraged for major and strategic applications (which includes residential applications with 10 or more dwellings or an area of 0.5 hectares or more; for other uses, those with over 1000m ² of floorspace or an overall area of 1 hectare or more). Applicants should ensure that pre-application consultation is advertised as widely as possible using different mediums (e.g. online, social media, notices in local libraries etc)
	Locally elected members (Councillors) may also have the opportunity to comment at this stage.
<i>Application stage</i>	The Council carries out statutory notification with the public and other stakeholders. This will always meet the minimum standards required by planning legislation and in some cases will be supplemented by additional consultation depending on the type of application.
	Development Management (DM) planning officers assess the application against planning policy (national, regional and local), considering the results of consultation.
	DM officers make recommendations on the application.
	A final decision is taken. Most applications are determined by senior

	planning officers. Larger applications and those where there is substantial public interest are decided by a Merton's Planning Application Committee (PAC) which is made up of elected councillors.
<i>Post application stage</i>	If planning permission (or a related consent) is granted, it may be subject to conditions requiring further details to be submitted and approved.
	Sometimes amendments to permissions are requested. This may involve submission of material or non-material amendments. Applications for material amendments and Reserved Matters (following grant of outline permission) will be subject to consultation similar to the application stage above.
	If permission is refused, the applicant may appeal to the Planning Inspectorate on behalf of the Secretary of State. The procedures for notifying the local community are set out in national regulations.

Pre- application discussion with applicant(s)

- 9.5 This stage of consultation is optional and there is no statutory requirement for applicants to consult before submitting an application. However, we believe it can be very useful in identifying issues, responding to concerns. Discussions are confidential and any advice given is without prejudice to future decisions of the Council. The Council strongly encourages those who hope to bring forward applications for development on complicated or sensitive sites to consult with the council, the local community, community groups and other organisations relevant to the characteristics of their site or proposed development (e.g. the Environment Agency) at the pre-application stage. This is the stage at which local residents and other stakeholders can most influence the development of proposals. They are also consulted at a later stage, when a formal planning application is submitted, and can express their views on any scheme.
- 9.6 Obtaining pre-application advice provides applicants with the following benefits:
- Understanding how the Council's policies will be applied to a proposal
 - Input from the design and conservation, planning policy, and transport and highways teams, Lead Local Flood Authority (LLFA), Public Health Merton and other departments/teams where considered necessary
 - Assisting in the preparation of proposals for formal submission, which, if the advice of planning officers is followed, should be handled more quickly and be more likely to result in a positive outcome
 - Helping to reduce the time spent in preparing the proposal
 - Indicating those proposals that are completely unacceptable and helping to improve the quality of the proposed development.
 - Putting in place a Planning Performance Agreement where this would help with managing the process and agreeing any dedicated resources for progressing the application.

- 9.7 A properly conducted pre- application process may result in applications more likely to be recommended for approval. The Council strongly encourages those who hope to bring forward applications for development on complicated or sensitive sites to consult with the council and the local community at the pre-application stage.
- 9.8 The Council can advise developers on good practice for community engagement, including the length and extent of any consultation, contact details for potentially interested stakeholders in the local area, engagement methods and when the consultation should be held.
- 9.9 For such consultation to be meaningful, it should be held towards the beginning of the pre-application process, while there is still a realistic opportunity for the local community to help shape proposals before they are submitted as a formal application. If consultation is held just before submitting the application, the designs are likely to be more fixed and there are fewer opportunities for community engagement to influence the proposals. Engagement methods that can be used include:
- 9.10 **Merton's Design Review Panel (DRP):** The Design Review Panel is set up and run by the Council to give independent professional design advice on development proposals where design is a key issue. The purpose of the DRP is to help improve design quality in the borough and the DRP advice aims to help applicants and decision makers to improve design quality in the borough.
- 9.11 The advice of the DRP is a material planning consideration, however the Panel is an advisory group and not a decision-making body. It is not a substitute for advice given by Council officers. The Panel is made up of professionals working in the built environment field who are appointed by the council based on expertise relevant to that proposed in the borough.
- 9.12 Development proposals are encouraged to be reviewed at pre-application stage to ensure more scope for influencing proposals. Pre-application reviews are held in private, but the public are allowed to attend as observers for proposals that have been submitted for planning permission.
- <https://www.merton.gov.uk/planning-and-buildings/regeneration-urban-design/design-review-panel>
- **Exhibitions, Community Forums and workshops:** organised by the applicant to provide information about their proposals and an opportunity for feedback.
 - **Letters, leaflets and questionnaires:** organised by the applicant, this involves sending a summary of the proposals and how to respond to properties which may be affected. This will focus on informing and getting the views of the properties most affected – this could be just a few streets, or whole neighbourhoods.
 - **Dedicated website:** organised by the applicant and which could show the evolution of proposals and provide a facility for feedback to be recorded.

- **Presentation of the scheme to elected members:** organised by the Council including presentations to local ward councillors and Cabinet Members.

9.13 Consultations on very large schemes can be discussed at community forums, which are facilitated by council officers. The forums can enable local residents to express their concerns on a particular development proposals.

Consultation on Planning Applications

9.14 There are many different types of application, based on the proposed development. For each of these different types of application, there are also different requirements for the council to notify residents and to consult stakeholders.

9.15 Merton Council's website is the key resource for finding out information about and commenting on planning applications. Notification of planning applications will be publicised to meet statutory requirements. All applications will be available to view on the Council's webpage [planning permission website page](#)

9.16 National legislation requires that Council's allow a minimum of 21 days for any comments to be made on planning applications, with a few exceptions:

- The period is extended to 30 days for applications accompanied by an Environmental Statement made under the 2017 EIA Regulations
- Merton allows an extra 2 days to all notifications to cover any bank holidays
- Notification periods have to strike a balance between allowing enough time for comments to be made and ensuring decisions are made in a timely manner. Whatever the period, it is always helpful to receive comments as soon as possible.

9.17 In the case of amendments to applications, consultation will last at least 14 days. In most cases, we will notify you through one or more of the following ways:

- A letter from Merton Council if you live close to the application site.
- A site notice near the application site – these will usually be attached to a lamppost or similar object. Notices will be displayed for a minimum of 21 days.
- A notice in a local newspaper.

9.18 The site notice, press notice or neighbour letter will explain where the planning application can be viewed, which will usually be on the Merton Council's planning permission website and how to make comments.

9.19 There is no statutory requirement to consult on the following types of applications. These applications are published on Merton's planning explorer and receive their own unique application number.

- Certificates of lawfulness of proposed use or development

- Certificates of lawfulness of existing use or development
- Internal alterations only to a Grade II listed building
- Advertisements
- Approval of details (exceptions are details for conservation area consents and external works to any listed building)
- Revisions to planning applications once valid
- Non-material amendments
- Discharge of conditions

9.20 Where required by legislation, in a Conservation Area the council will erect at least one site notice in a prominent location of the proposed development. Where the council is not required by legislation the council may ask developers to put up a site notice(s). In these circumstances, the council will provide a copy of the site notice.

9.21 The Council may require photographic evidence which shows a sign has been erected during and at the end of the consultation period. Information on site notices will be as clear and engaging as possible (while meeting statutory requirements); this may include larger font size to attract attention.

Figure 7: Development Management consultation methods

Type of application	Site notice by the council	Neighbour notification letter	Local newspaper notice	Website
House holder		√		√
Permitted development				√
Applications for major development as defined in Article 2 of the Development Management Procedure Order.	√		√	√
Applications subject to Environmental Impact Assessments (EIA) which are accompanied by an environmental statement.			√	√
Applications which do not accord with the development plan in force in the area	√			√
Applications which would affect a right of way to which Part 3a of the Wildlife and Countryside Act 1981 applies				√

Applications for planning permission not covered in the entries above e.g. non-major development.				√
Applications for listed building consent where works to the exterior of the building are proposed	√		√	√
Applications to vary or discharge conditions attached to a listed building consent, or conservation area consent or involving exterior works to a listed building.	√		√	√
Application to discharge conditions				√
Prior approvals		√		
Applications for Listed Building Consent				√
Advertisement Consent				√
Prior Approval telecommunications				√
Prior Approval larger household extensions		√		√
Applications for permission in principle				√
Applications for reserved matters after the granting of outline permission				√
Applications for variation or removal of planning conditions		√		√
Applications for minor material amendments				√
Applications for nonmaterial or technical amendments	By definition no consultation would be necessary			
Lawful development certificates	Legal determinations and by definition no consultation would be necessary			

How to comment on a planning application

- 9.22 Once a planning application has been validated⁹ by the Council, we are required to make a decision on the proposal within the statutory time limit unless a longer period is agreed in writing with the applicant.
- 9.23 The Council assigns a development management planning officer known as a 'case officer' to deal with the application until the point a planning decision is made by the planning committee. The case officer will do a site visit, check plans and make a recommendations based on:
- National Planning Policy Framework (NPPF) and its associated guidance the national Planning Policy Guidance (PPG).
 - The London Plan and its associated strategies
 - Merton's Local Plan (all documents that make up Merton's Local Plan)
 - Any representations received
- 9.24 The statutory time limits are usually 13 weeks for applications for major development and 8 weeks for all other types of development (unless an application is subject to an Environmental Impact Assessment (EIA), in which case a 16 week limit applies).
- 9.25 Where a planning application takes longer than the statutory period to decide and an extended period has not been agreed with the applicant, the government's policy is that the decision should be made within 26 weeks at most in order to comply with the 'planning guarantee'.
- 9.26 Comments must be made in writing via email or letter; verbal comments will not be accepted or considered by the Council. Postings on social media will also not be accepted. The Council does not accept anonymous or confidential comments related to planning applications and any anonymous or confidential comments received will not be considered when evaluating the planning application.
- 9.27 When making a decision, the council can only take account of certain issues that are legally allowed to influence planning applications; these are known as 'material considerations'.
- 9.28 The Council welcomes comments on planning applications on other aspects of an application, but to influence the planning process responders should try to consider and refer to these material considerations.

⁹ Once an application has been deemed valid and the determination process commences, the application is placed on the planning register and given an application reference number

- 9.29 Material considerations include:
- Planning policies: including the NPPF, the London Plan, Merton's Local Plan and SPDs. This can also include emerging policy plans that have been through at least one round of public consultation.
 - Previous planning decisions: including appeal decisions
 - Loss of light or overshadowing
 - Loss of privacy or overlooking
 - Design, appearance and materials of a development
 - Layout and density of buildings
 - Traffic, highway safety and parking
 - Noise, smells and other disturbances resulting from the use of a new development
 - Loss of trees or other nature conservation effects
 - Effect on listed buildings or conservation areas
 - Capacity of physical infrastructure such as public drainage or water systems
 - Deficiencies in social facilities such as school places
 - Contaminated land
- 9.30 Merton Council cannot and will not, consider issues such as potential reduction in value of a property or of a private view but, the reason why these things might happen could potentially be material considerations.
- 9.31 All comments received on planning applications will be kept on file with the application.
- 9.32 All comments received from residents and other non-statutory consultees that relate to a planning application will be made available for viewing upon request to the Development Management team at Merton Civic Centre. All personal details will be removed by the Council in accordance with General Data Protection Regulations, apart from statutory consultees. All statutory consultee comments will be available to view on the Council's website with the relevant planning application.
- 9.33 All comments will be passed on to the relevant case officer for consideration. If you send an email then you will receive an automated acknowledgement. If you send a written representation then you will not receive a confirmation letter.
- 9.34 Case officers will not generally respond to individual letters or objections, but will address the key issues and comments in their recommendation report. While case officers will take into account all comments, they will use their judgement to reach a final recommendation informed by planning policies which, may not reflect your own comments on the application. Personal information such as telephone numbers and addresses will not be displayed. The case officer's report, will set out how the application was assessed and how comments received following consultation were taken into account in the report.

How a decision is made on planning applications

- 9.35 After the consultation on a planning application is finished, the case officer will write a report setting out their recommendation. A final decision will then be taken by either a senior planning officer under delegated authority or a Merton's [Planning Application Committee \(PAC\)](#). PAC is made up of Merton's elected councillors. If an application is due to be determined at the PAC, this means that its members will make the final decision directly, on a planning application.
- 9.36 Anyone who wishes to speak at the Planning Applications Committee, although slots are limited should contact the case officer in the first instance or email to: planning.representation@merton.gov.uk
- 9.37 Where an application has been amended the council will decide whether further publicity and consultation is necessary, taking into account the public interest in the initial application and the nature and scale of the amendment relative to the initial application.
- 9.38 Where re-consultation is necessary the council will set a timeframe for responses, balancing the need for consultees to be given time to consider the issue that is being re-consulted upon and respond against the need for efficient decision making. The consultation timeframe can vary from 10 days to three weeks: depending on the nature and scale of the amendment and application.

Planning Application Committee (PAC)

- 9.39 The PAC is open to the public and meets almost every month. It is the PAC members who are responsible in deciding whether to grant or refuse planning permission, not the case officer or planning officers. PAC members represent the interests of the whole community and must maintain an open mind when considering planning applications.
- 9.40 Where members take decisions on planning applications, they must do so in accordance with the planning policies (national, regional and local) unless, material considerations indicate otherwise. The meeting is recorded, and the recording is available to view on the council's website.
- 9.41 Members must only take into account material planning considerations, which can include public views where they relate to relevant planning matters. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid 'material' planning reasons.
- 9.42 Members of the public can speak at the PAC meeting either in favour or in opposition to an application but, to do so, you must contact Development Management team by 12 Noon on the day before the meeting. Further details can be found at: www.merton.gov.uk/attending&speakingatBPAC

- 9.43 The agendas, minutes and reports for the PAC are made available on the council website 5 to 7 working days before an upcoming committee and the minutes are published online within 5 to 7 working days of agreement at a subsequent committee.
- 9.44 Once a decision has been made, a decision letter is sent by email (or letter if email is not possible) to the applicant. All decision made by the PAC can be viewed on the council's website at:
www.merton.gov.uk/environment/planning/planningdecisionlist
- 9.45 An application may be granted subject to conditions. Such conditions may require further reports to be submitted prior to commencement of works. There is no requirement to consult the public on planning conditions. Also demonstrating compliance with conditions is not an opportunity for public comment. However, should an applicant apply to the council to vary (change) a condition, then this may trigger the need for further public consultation.
- 9.46 All applications for certificates of lawfulness and tree work and most planning and advertisement applications are determined by the planning department. This is what is known as a 'Delegated' decision - one taken by officers of the council rather than elected councillors.

10. Where you can get more help

Planning handbook: A guide to planning in Merton

- 10.1 For more information our handbook provides an introduction to the planning system, advice about when you might need to apply for planning permission, the different types of application, and your options after a decision has been made.

www.planningguide.co.uk/merton

Planning Portal

- 10.2 The Planning Portal has a great, user-friendly, section dedicated to helping you understand if you need planning permission. The interactive house and interactive terrace are the major sources of information; but there are other, interactive, mini-guides on loft conversions, extensions, conservatories, outbuildings and porches.

www.planningportal.co.uk



Planning Aid Direct

- 10.3 Planning Aid Direct is a web resource operated by Planning Aid England (part of the Royal Town Planning Institute) which provides answers to questions people often ask about planning. It gives clear, simple explanations of how the planning system works. It also signposts you to further support and advice.

www.planningaid



Royal Town Planning Institute (RTPI)

- 10.4 The Royal Town Planning Institute is the principal body representing planning professionals in the United Kingdom and Ireland. It promotes and develops policy affecting planning and the built environment. Founded in 1914, the institute was granted a Royal Charter in 1959.

<https://www.rtpi.org.uk/>



11. Principles of engagement

11.1 This section aims to assist developers who may need to engage and hold a public involvement/consultation with local residents/business/groups. The principles below are not an exhaustive list and should be used as a guide to assist. Developers are advised to have regard to section 6: *Accessible consultations and engagement*

Web accessibility

11.2 Merton Council expects that all webpage(s)/webpage(s) for example, for pre application consultations are accessible and comply with the industry Web Content Accessibility Guideline (known as WCAG 2.1)¹⁰ and meet the design principals set within the WACG 2.1.

11.3 The WCAG 2.1 are an internationally recognised set of recommendations for improving web accessibility. It set out and explains how to make digital services, websites and apps accessible to everyone, including users with impairments to their:

- vision - like severely sight impaired (blind), sight impaired (partially sighted) or colour-blind people
- hearing - like people who are deaf or hard of hearing
- mobility - like those who find it difficult to use a mouse or keyboard
- thinking and understanding - like people with dyslexia, autism or learning difficulties

Raise awareness

- Research the communities who may be affected.
- When hold a consultation consider the timing and if possible, avoid public holidays/ religious dates - consider extending the consultation period if possible (planning legislation and regulation will need to be a consideration).
- Identify key individuals and groups who can spread the word such as religious/faith groups, environmental groups and disabled groups.
- Consider different levels of awareness raising depending on proximity and location.
- Explain what is proposed, how to find out more and why views are needed.
- Place adverts in public places for example community centres, libraries, in shop windows, bus stops, places of worship, GPs surgeries. Consider 'trade' journals, local publications.
- Consider developing an interactive website.

11.4 It is important during consultation to monitor responses and address weaknesses and issues as they happen if appropriate and/or possible.

¹⁰ <https://www.gov.uk/service-manual/helping-people-to-use-your-service/understanding-wcag>

Building understanding

- Consider timing of the exhibition, public transport accessibility, language /style used. Identify whether there is a need to produce material in different languages, braille and a sign language interpreter.
- Explain the relationship with other consultations.
- Provide clear information about the project, background.
- Explain what is 'fixed', what is '*up for discussion*' and/or Identify options – be transparent.
- Consider providing a telephone hotline for those wanting more information
- Unstaffed/staffed exhibitions /drop in sessions
- Leaflets drops / Information sheets
- Dedicated and up to date website(s) and newsletters.

Consult and Communicate

- Consider establishing a residents / community steering group and work with them to identify locations for events and fine tune the content.
- Identify and connect with other community events e.g. community carnivals and festivals
- Consider holding staffed exhibitions. Interactive displays, where questions can be asked and answered
- Seek feedback and be clear what will happen to comments.
- Monitor attendance and consider additional venues / events to secure a balanced response from a board and representative community.
- Re-consult if significant changes have been made to the proposals.
- Consider using interactive websites to reach the 'silent' majority - then focus resources on the disadvantaged and hard to reach.
- Make questionnaires available for feedback and comments
- Offer presentations to local community groups/community forums/ward councilors.
- When appropriate consider requests for facilitated events Interactive websites

Discuss and Debate

- Level the playing field – facilitate the process to allow fair participation from all.
- Listen to views and share tensions between different communities.
- Invite new ideas and consider alternatives – provide responses.
- Focus sessions on key issues – capture local knowledge and ideas.
- Run visits to see similar developments elsewhere.
- Provide honest feedback and explain how comments have been included and if not, why not.
- Do what you say you will.
- Consider using independent mediators to find an agreed solution.
- Consider workshops with different groups (local residents and interest groups) to discuss development.
- Consider using and setting up a local focus groups

Effective Engagement

- Continue to support and involve groups which have contributed to the process.
- Invite feedback on issues before they develop into a crisis.
- Use engagement to inform decisions on issues such as traffic routing.
- Invite participants to share knowledge and experiences with similarly affected groups in the future, acts as mentors for others.
- Keep the website up to date with responsive key contact information. Provide electronic alerts at key stages.

Appendices

Appendix A: Types of applications and permissions

Full planning permission

Normally required if you wish to make a change in the use of land or buildings and or you wish to carry out works or operations including the erection of buildings/extensions.

It may also be required if development has been carried out without permission and an application is being made to regularise the position.

Outline planning permission

Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable to the local planning authority, before a fully detailed proposal is put forward.

This type of planning application allows fewer details about the proposal to be submitted. Once outline permission has been granted, you will need to ask for approval of the details (“reserved matters”) before work can start. These details will be the subject of a “reserved matters” application at a later stage.

An application for outline planning permission is normally only appropriate in the case of larger or more complex developments. It is not normally appropriate in the case of householder applications, developments in conservation areas, or changes in the use of premises.

Approval of Reserved Matters

Where outline permission has been granted, you may, within three years of the outline approval, make an application for the outstanding reserved matters, i.e. the information excluded from the initial outline planning application. This will typically include information about the layout, access, scale and appearance of the development. In October 2009, the Government introduced an application to extend the time limits for planning permission, including outline permissions.

Conservation area consent

Is required if you wish to demolish a building or structure within a conservation area.

Listed building consent

Normally required when you wish to carry out works to a listed building, this would include internal works to the building.

Advertisement consent

This is required if you wish to display advertisement including many types of shop fascia or signage. For more detailed guidance please check the central government leaflet about outdoor adverts and signs. www.gov.uk/government/advertisingguide

Tree work consent

Usually required to prune or fell a tree which is either within a conservation area or protected by a Tree Preservation Order (TPO). For more information on trees or tree applications, please telephone 020 8545 3815.

Certificate of Lawfulness for a Proposed Use or Development

Appropriate where you wish to seek formal confirmation from the council that proposed developments (including householder developments) fall within permitted development allowances or that a proposed use would constitute a lawful use of the premises and would not require planning permission.

Certificate of Lawfulness for an Existing Use or Development

Appropriate where you wish to regularise an existing use or development and can demonstrate that the use has been in operation for ten years, or a development (including householder extensions) in place for four years.

Appendix B: Duty to co-operate and Specific Consultees

Duty to Cooperate

The Town and Country Planning (Local Planning) (England) Regulations 2012 define the following bodies as 'specific consultation bodies':

The Environment Agency
Historic England
Natural England
The Mayor of London and the offices held by the Mayor
The Civil Aviation Authority
Clinical Commissioning Group (CCG)
NHS
The Office of Rail Regulation
Transport for London

The Coal Authority;
Network Rail Infrastructure Limited
Any person to whom the electronic communications code applies by virtue of a direction given under Section 106 (3) (a) of the Communications Act 2003;
Any person who owns or controls electronic communications apparatus situated in any part of the area of the local authority;
Metropolitan Police Service

Other public bodies, in addition to local planning authorities, are subject to the duty to cooperate by being prescribed in the [Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) as amended by the [National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013](#)

Specific consultation bodies¹¹

Neighbouring boroughs
Mayor of London and Mayoral offices
The Coal Authority
The Environment Agency
Historic England (Historic Buildings and Monuments Commission for England)
Marine Management Organisation
Natural England
Secretary of State for Transport
Transport for London
Network Rail Infrastructure Limited
Highways England
NHS London / Clinical Commissioning Groups and Public Health departments in councils)
Utilities Companies (telecommunications, gas and electric companies operating in the Merton
Thames Water

¹¹ The Town and Country Planning (Local Planning) (England) Regulations 2012

General Consultation Bodies

The Government has defined through the Town and Country Planning (Local Planning) (England) Regulations 2012, General Consultation Bodies as voluntary bodies some or all of whose activities benefit any part of the authority's area and other bodies who represent, in the authority's area, the interests of different racial, ethnic or national groups, different religious groups, disabled persons, and business interests.

Merton's Local Plan database contains over 2,000 groups, organisations, companies and individuals from the following categories:

- Non-adjoining Local Planning Authorities
- Advice and information groups
- Architects
- Black and Minority Ethnic Groups
- Business groups/organisations
- Civil Groups/organisations
- Conservation and heritage groups
- Developers
- Disability groups
- Education
- Elderly groups
- Emergency Services
- Employment/business groups/organisations
- Environmental groups
- Faith and worship groups
- Equality groups and forums
- Health organisations including NHS, CCG and Public Health
- House builders
- Landowners
- Merton Youth Parliament
- Planning consultants
- Police and other emergency services
- Political parties
- Regeneration groups and partnerships
- Registered social landlords
- Resident's groups/organisations
- Sport and leisure groups
- Statutory consultees
- Transport groups
- Utility companies
- Ward Councillors
- Youth Groups

To be added to the Local Plan database and be informed about the progress of planning policy documents and help shape them.

Please send your details to:

Email: future.merton@merton.gov.uk or

Post: Future Merton, Merton Civic Centre,
London Road, Morden SM4 5DX

Appendix C: Consultees for Neighbourhood Development Plans

In accordance with the Neighbourhood Planning Regulations 2012, the consultation bodies that the Neighbourhood Forum and Council have to consult at the relevant consultation stages are the:

- Mayor of London (and offices held by the Mayor of London)
- A relevant authority, any part of whose area is in or adjoins the area of the local authority, such as:
 - local planning authority
 - a county council
 - a parish council
 - a police authority
- Coal Authority
- Homes and Communities Agency (responsibilities now fall under the GLA)
- Natural England
- Environment Agency
- Historic England
- Network Rail Infrastructure Limited
- Highways England (outside London)
- Any person to whom the electronic communications code applies, or who owns or controls electronic communications apparatus situated in any part of the area of the LPA

- Where it exercises functions in any part of the neighbourhood area:
 - Clinical Commissioning Group (CCG)
 - Licensee under the Electricity Act 1989
 - Licensee of the Gas Act 1986
 - sewerage undertaker
 - water undertaker

- Voluntary bodies whose activities benefit all or part of the neighbourhood area
- Bodies representing the interests of different racial, ethnic or national groups in the neighbourhood area
- Bodies representing the interests of different religious groups in the neighbourhood area
- Bodies representing the interests of disabled people in the neighbourhood area

The Neighbourhood Forum is required to submit a Consultation Statement to the council formally submitting the Neighbourhood Development Plan. This statement must detail the bodies consulted in the preparation stage.