

Matter 1

Has the ELP been positively prepared; is it justified, effective and consistent with the national and local policy and guidance contexts?

Yes, the ELP has been positively prepared; is justified, effective and consistent with the national and local policy and guidance contexts.

QUESTION 1

In the absence of a specific policy or policies:

- **is the overall vision and strategy for the estates clear, in terms of full or partial regeneration, regardless of tenure and ownership, so as to ensure the plan's deliverability?**
- **should the question of the viability of regeneration of all three estates together (see paras 2.19 – 2.22 and MA3) be expressed in policy?**
- **does the ELP provide sufficient flexibility over time and robustness in the light of unforeseen constraints, such as infrastructure implications, or changes to legislation, policy or financial conditions?**

COUNCIL RESPONSE

- **is the overall vision and strategy for the estates clear, in terms of full or partial regeneration, regardless of tenure and ownership, so as to ensure the plan's deliverability?**

Yes, the overall vision and strategy for the estates is clear in terms of full or partial regeneration regardless of tenure and ownership and is set out in Part 2 of the (Estates Local Plan [stage 3] pre-submission publication(**SD1**) hereafter referred to as the ELP. It is considered that the prescriptiveness of the ELP is appropriately pitched, to provide clarity and certainty of the council's requirements, and expectations concerning regeneration proposals for the three estates, whilst being sufficiently flexible to respond to the financial viability complexities and economic uncertainty of a 10 – 15 year development period and ensuring the ELP is deliverable.

Once adopted the ELP (**SD1**) will form part of the statutory development plan for the borough which collectively contain all the policies to guide development in the borough. The ELP (**SD1**) has been prepared in accordance with national and local policy and guidance context and is in conformity with the London Plan 2016 (**RD1**).

The ELP (**SD1**) sets out a plan designed to achieve the overarching vision for Eastfields (Mitcham), High Path (South Wimbledon) and Ravensbury (Mitcham/Morden) estates. Part 2 of the ELP (**SD1**) sets out the strategic plan vision and the estate specific visions which have regard to the particular characteristics of each estate.

The ELP **(SD1)** embodies and helps implement Merton's Core Planning Strategy **(MP2)** strategic objectives. One such objective is *to provide new homes and infrastructure within Merton's town centre and residential areas through physical regeneration and effective use of space*. The ELP **(SD1)** will also help deliver the specific elements of Merton's Core Planning Strategy **(MP2)** sub-area policies: Colliers Wood and South Wimbledon (CS1), Mitcham (CS2) and Morden (CS3) that relate to the three estates.

Part 2 of the ELP **(SD1)** includes *The case for regeneration* section which sets out the regeneration rationale and the strategy for Eastfields, High Path and Ravensbury estates. Part 3 identifies aspects of design that the council considers particularly relevant to the successful and long-lasting regeneration of the three estates. Part 4 set out the guidance parameters for regeneration proposals for the three estates and Part 5 concerns delivery, monitoring and implementation of the site specific policies contained in. All parts of the ELP **(SD1)** collectively set out the strategy to guide regeneration of the three estates.

Whilst there is a strong community spirit on the three estates, the quality and condition of the existing residential stock means that doing nothing is not an option. In March 2010 Merton's housing stock was transferred to Clarion Housing Group, including the homes it owned on the three estates. The Stock Transfer Agreement included a legal agreement for Clarion Housing Group to undertake a programme of property management improvements known as Decent Homes. However in preparing plans to undertake Decent Homes on the three estates Clarion Housing Group came to doubt the case for investing in what they regarded in some instances as homes and neighbourhoods of poor standard. Clarion Housing Group's view is that whilst undertaking Decent Homes would necessitate a significant and expensive programme of works, these improvements would not deliver the wider sustainability and regeneration benefits.

The ELP **(SD1)** regeneration strategy, supported by Clarion Housing Group's evidence proposes full regeneration for Eastfields and High Path and partial regeneration for Ravensbury estate. The regeneration strategy set out in the ELP **(SD1)** for the three estates is considered justified, effective and positively prepared when considered against reasonable alternatives regardless of tenure and ownership and is supported by proportionate and robust evidence. This evidence includes the Eastfields Estates: Case for Regeneration 2016 **(SD21)**, High Path: Case for Regeneration 2016 **(SD31)** and Ravensbury: Case for Regeneration 2016 **(SD39)**. These documents set out an assessment of the reasonable alternative options and justification for the preferred regeneration strategy for each estate as set out in the ELP **(SD1)**.

PROPOSED AMENDMENT MA1

OEP 1 Vision & OEP1 – Justification

OEP 2 Strategy & OEP 2 – Justification

To further improve the clarity of the ELP's overall vision and strategy for the ELP (**SD1**) in terms of full or partial regeneration, regardless of tenure and ownership the following additional policies are proposed. The proposed policies are not introducing new wording or matters to the ELP (**SD1**). The proposed policies pull together the existing wording and matters covered within the Plan, elevating them to policy and increasing their weight / materiality. Please refer to **MA1** and Appendix 1 of the minor amendments table.

- **should the question of the viability of regeneration of all three estates together (see paras 2.19 – 2.22 and MA3) be expressed in policy?**

Yes the matter of viability of regeneration of all three estates together as set out in ELP (**SD1**) paras 2.19 – 2.22 and MA3 should be expressed as policy.

Clarion Housing Group's regeneration programme for the three estates, like other regeneration initiatives is complex financially. The three estates are interconnected through the long-term effect on Clarion Housing Group's revenue. Informed by its due diligence responsibilities and understanding of Clarion Housing Group's business case, the council regards the regeneration of the three estates as one project. This is demonstrated by the ELP (**SD1**) covering the three estates as they are united by common strategic objectives. It is considered that this interconnectivity, which is essential to the delivery of the three estates is articulated clearly within the ELP (**SD1**). The suggested additional policy (OEP2) above provides an appropriate location to articulate this more prominently as policy as expressed at element (b) of the proposed OEP 2 (Strategy) Policy (please see **MA1** and Appendix 1 of the minor amendments table for full policy wording).

- **does the ELP (SD1) provide sufficient flexibility over time and robustness in the light of unforeseen constraints, such as infrastructure implications, or changes to legislation, policy or financial conditions?**

Yes. It is considered that the prescriptiveness of the ELP (**SD1**) is appropriately pitched regardless of tenure and ownership, to provide clarity and certainty of the council's requirements, and expectations concerning regeneration proposals for the three estates, whilst being sufficiently flexible to respond to the financial viability complexities and economic uncertainty of a 10 – 15 year development period and ensuring the plan is deliverable. This is supported by Merton Estates Plan Viability assessment (**SD 15**) which concludes that the ELP (**SD1**) does not result in any significant burden beyond the existing

policy requirements. A number of the ELP **(SD1)** requirements are likely to be imposed through planning conditions, Section 106, Section 278, or other legal agreements. Whilst these requirements may have cost, value, timing and quality implications affecting viability, the policy framework allows developers to factor in these requirements into design development and viability appraisals from an early stage, to mitigate their impacts further. Part 5 of the ELP **(SD1)** sets out how the ELP **(SD1)** will be expected to be delivered and implemented and the contingency measures that will be taken to ensure delivery is met.

The ELP **(SD1)** regeneration strategy is likely to span at least one economic cycle, and there are a number of considerations that may affect the viability of the regeneration programme throughout this period. Clarion Housing Group, represent the majority landowner for the three estates and have committed to an open book accounting process. This provides the flexibility to impose developer obligations that will be applied having regard at the time to the viability when the planning application is submitted. The council understands that Clarion Housing Group's business case includes sensitivity analysis to allow for sufficient contingency for any unforeseen circumstances such as changes to legislation, policy, infrastructural implications or financial conditions.

QUESTION 2

Is the quantum, density and mix of housing (in terms of sizes and types) appropriately clear, whether expressed as target figures, ranges, proportions or minima/maxima, whilst recognising the need for flexibility? Is it consistent with London Plan Policies 2.13, 3.4 and 3.7?

COUNCIL RESPONSE

Yes, the quantum density and mix of housing (in terms of sizes and types) is appropriately clear whilst recognising the need for flexibility and is consistent with London Plan 2016 **(RD1)** policies 2.13 (Opportunity Areas and Intensification Areas), 3.4 (Optimising Housing Potential) and 3.7 (Large Residential Development).

The ELP **(SD1)** covers a significant regeneration and investment period of 10 - 15 years. It sets out a strategically pitched framework to guide regeneration over the 10 - 15 years, with the level of prescription, such as the quantum, density and mix of housing (in terms of size and type) to be determined at the planning application stage in accordance with relevant planning considerations and requirements set out by the whole statutory development plan. Once adopted the ELP **(SD1)** will form part of the statutory development plan for the borough.

The Estates Plan Housing Market Assessment **(SD12)** accompanying the ELP **(SD1)** sets out potential quantum, density and mix of housing (in terms of size and type) that could be provided within each estate. However this is indicative and based upon Clarion Housing Group's emerging master-plans at the time that this evidence was prepared. A key aim of the ELP **(SD1)** embodied in the overarching vision is the maintenance and enhancement of a healthy local community. The first phases of development will involve addressing the rehousing needs of the existing communities on the three estates thus in reality the mix of types, sizes and tenures will be strongly influenced by the needs of existing residents (including existing overcrowding and under-occupation), development viability and amendments to national and regional affordable housing regime during the 10-15 year lifetime of the regeneration project. Therefore, given these circumstances, it is considered that for the ELP **(SD1)** to express the quantum, density and mix of housing in terms of size and type as a target figures, ranges, proportions or minima/maxima, would be inappropriately prescriptive and inflexible.

The ELP (**SD1**) has been prepared in accordance and compliance with national and local policy and guidance context and is in conformity with the London Plan 2016 (**RD1**). This includes London Plan 2016 (**RD1**) Policies 2.13, 3.4 and 3.7. Development proposals will be assessed against all relevant policies in the statutory development plan.

Point (c) of London Plan 2016 (**RD1**) policy 2.13 (Opportunity Areas and Intensification Areas) requires Local Development Frameworks to *develop more detailed policies and proposals for opportunity areas and intensification areas*. High Path estate is located within the London Plan South Wimbledon/ Colliers Wood Area for Intensification. The ELP (**SD1**) supports Merton's Core Planning Strategy (**MP2**) Policy CS1 (Colliers Wood) in developing more detailed policies and proposals for the South Wimbledon / Colliers Wood Area for Intensification, specifically with regards to High Path estate. The ELP (**SD1**) clearly encourages the opportunities that the high public transport accessibility level of High Path estate location, provides to sustain much higher density whilst still providing high quality homes and amenity spaces.

The London Plan South Wimbledon / Colliers Wood Area for Intensification has been part of the London Plan since 2006 and its targets have already been met. Merton is currently working with the neighbouring boroughs of Kingston, Sutton and Richmond on the establishment of a South London Opportunity Area. It is considered that the collective physical and strategic links of these boroughs provides an appropriate approach to identifying and establishing a future growth strategy for the borough. This will be addressed as part of Merton's new Local Plan proposed for adoption in 2019

London Plan Policy 3.4 (Optimising Housing Potential) requires developments to optimise housing output having regard to the density ranges set out in Table 3.2 of the London Plan 2016 (**RD1**), taking account of local context, character and the London Plan 2016 (**RD1**) design principles. The ELP (**SD1**) is consistent with London Plan Policy 3.4 and embodies these London Plan 2016 (**RD1**) requirements, particularly within ELP (**SD1**) Land Use Policies EP4, H4 and R4 and supporting paragraphs 3.62, 3.63, 3.168, 3.169, 3.269 and 3.270.

The ELP (**SD1**) is consistent with London Plan Policy 3.7 (Large Residential Developments). The ELP (**SD1**) has been prepared in consultation with residents, local communities and key stakeholders with the purpose of guiding regeneration proposals, including where appropriate complimentary non-residential uses and encouraging higher densities for three large residential neighbourhoods within the borough over a 10-15 year period. An overarching ELP Vision and individual visions for each estate contained within the ELP (**SD1**) providing a high level policy guide in which the council expects the estates developed. This is based on the prevailing context of each estates, the historical and site analysis and design good practice guidance. The ELP (**SD1**) estate specific suite of policies, together with ELP

Part 5 (Delivery, Implementation and Monitoring), provide guidance where necessary concerning the provision and co-ordination of social, environmental and other infrastructure.

PROPOSED AMENDMENTS MA69

- 1) Addition of new ELP Appendix (4) setting out cross references to relevant statutory development plan policies in addition to the ELP policies to which development proposals for the three estates will need to comply with. Please refer to MA69 and attached in full as Appendix 3 of minor amendments table.
- 2) Please also refer to minor amendments proposed in response to Matter 2 question 3; Matter 3 question 3 and Matter 4 question 3 which are also relevant in addressing Matter 1 question 2.

QUESTION 3

Is the ELP sufficiently clear about the proportion and types of affordable housing, and viability implications, consistent with national policy and guidance, the development plan and current and emerging London policy and guidance?

COUNCIL RESPONSE

Yes the ELP **(SD1)** is sufficiently clear about the proportion and types of affordable housing, and viability implications, consistent with national policy and guidance, the development plan and current and emerging London policy and guidance.

The ELP **(SD1)** covers a significant regeneration and investment period of 10 - 15 years. It sets out a strategically pitched framework to guide regeneration over the 10 - 15 years. It provides the level of prescription, such as the proportion and types of affordable housing, and viability implications to be appropriately determined at the planning application stage in accordance with relevant planning considerations and requirements set out by the whole statutory development plan, including current and emerging London Policy and guidance. Once adopted the ELP **(SD1)** will form part of the statutory development plan for the borough. Merton's Core Planning Strategy **(MP2)** which forms part of the Statutory Development Plan sets out the requirements concerning the proportion and types of affordable housing and viability implications in Policy CS8 (Housing Choice) and is supported by Policy DM H3 (Support for Affordable Housing) of Merton's Sites and Policies Plan **(MP3)**.

Reference should also be made to the council response to Matter 1 Question 2.

The council is aware of and has responded to the Mayor's Affordable Housing and Viability Supplementary Planning Guidance. In addition, Merton Council is working with the GLA on the Strategic Housing Land Availability Assessment (SHLAA) and other housing research to inform the London Plan 2016 **(RD1)** review. The council is starting its own borough-wide Local Plan which, when adopted in 2019, will replace the borough-wide policies in the Core Planning Strategy **(MP2)** and Sites and Policies Plan **(MP3)**. The Mayor's approach to affordable housing will be actively considered then.

To further improve clarity on the statutory development plan requirements, that development proposals will need to adhere to concerning the proportion and type of affordable housing, and the viability implications, the following modification is proposed:

PROPOSED AMENDMENT MA69

Addition of new ELP Appendix (4) setting out cross references to relevant statutory development plan policies in addition to the ELP policies to which development proposals for the three estates will need to comply with. Please refer to MA69 and is attached Appendix 3 of the minor amendments table.

QUESTION 4

Is the ELP's relationship with the overall development plan clear and consistent? Is it easy to understand where reliance is on policies in other development plan documents whilst avoiding unnecessary duplication?

COUNCIL RESPONSE

Yes, the ELP's relationship with the overall development plan is clear and consistent and is easy to understand where reliance is on policies in other development plan documents.

The relationship of the ELP **(SD1)** with the overall development plan is set out clearly and consistently in Part 2, within paragraphs 2.27 and 2.28 and accompanying diagram on page 20 of the ELP. Once adopted, the ELP **(SD1)** will form part of the statutory development plan for the borough which collectively contain all the policies to guide development in the borough. The ELP **(SD1)** has been prepared in accordance with national and local policy and guidance context and is in conformity with the London Plan 2016 **(RD1)**.

Duplication of policies contained in other development plan documents, is confined to exceptional circumstances within the ELP **(SD1)** where considered necessary. An example that illustrates this point concerns policy EP H6 where given the specific opportunities for district heating at High Path, as identified in Merton's District Heat Feasibility – Phase 1: Heat Mapping and Energy Masterplanning study, the council does not consider it unduly repetitive to explicitly outline in policy EP H6 part H (i)-(iii) the approach that should be taken to fully explore High Path's district heat network potential. The additional guidance is therefore designed to work in tandem with, and strengthen, the existing local decentralised energy policies.

To ensure there is ease of understanding where reliance is on policies in other development plan documents whilst avoiding unnecessary duplication cross referencing, rather than duplication to these occur in the ELP **(SD1)** where necessary.

The ELP **(SD1)** covers a significant regeneration and investment period of 10 - 15 years. It sets out a strategically pitched framework to guide regeneration over the 10 -15 years. The ELP **(SD1)** needs to be suitably flexible to respond to changes over the 10 -15 year period, such as changes to statutory development plan policies. The London Plan 2016 **(RD1)** is currently being reviewed and we have been advised that consultation will take place in autumn 2017. Merton's adopted Local Plan is due to be replaced by a new Local Plan which

is proposed for adoption in spring 2019. Therefore the council considers that the ELP **(SD1)** strikes an appropriate balance between the need to provide clarity and consistency on the relationship with the overall statutory development plan and where reliance with policies contained in the latter with minimising the risks of the ELP **(SD1)** become outdated over the 10 -15 year development period it spans.

To further improve clarity the following minor amendments are proposed:

PROPOSED AMENDMENT

Addition of new ELP Appendix (4) setting out cross references to relevant statutory development plan policies in addition to the ELP policies to which development proposals for the three estates will need to comply with. (Please refer to [MA69](#) and attached in full as Appendix 3 of the minor amendments table).

(Please refer to [MA3A](#)) . Add the wording to the end of proposed new para 2.28 as set out in minor modifications table **(SD3 Mod ref no. 05)** para 2.28 : development proposals must meet the requirements of the whole statutory development plan. Please also refer to Appendix 4 for further details.

QUESTION 5

Does the ELP make sufficient provision for inclusive design and accessible environments in accordance with paragraphs 57, 58, 61 and 69 of the Framework?

COUNCIL RESPONSE

Yes, there is sufficient provision for inclusive design and accessible environments in accordance with paragraphs 57, 58, 61 and 69 of the NPPF **(ND4)**.

Inclusive design and accessible environments are addressed throughout the ELP **(SD1)** from Part 2: The Vision and Urban Design Principles, and throughout the policies in Part 3 covering the three estates (particularly policies on Townscape, Street Network; Movement and Access; Open Space; Landscape and Building Heights for each estate) through to Part 4 “Requirements for Planning Applications” section at paras. 4.1 to 4.23.

SD.10 “Estates Local Plan Test of soundness”, pages 24, - 26 clearly identify which specific policies within the Estates Local Plan meet these paragraphs within the NPPF **(ND4)**.

The ELP **(SD1)** has also been informed by **(SD2)** the Sustainability appraisal, **(SD14)** the Health Impact Assessment which assesses the Plan against wider determinants of health including safety, accessible environments and quality of life.

Respondents to the pre-submission publication draft of the ELP **(SD1)** such as the Metropolitan Police’s Designing Out Crime officer (**SD6a**) have been positive about the ELP **(SD1)**, including the potential of the three estates to achieve Secure by Design accreditation. Other respondents including Natural England are also positive about the ELP **(SD1)**.

QUESTION 6

- **Is the ELP positively prepared, based on robust evidence, and consistent with national policy in the light of Objective 3 of Sport England's *Planning for Sport: Aims and Objectives* and paragraph 74 of the Framework?**

COUNCIL RESPONSE

No, the Estates Local Plan (ELP) is not considered to be consistent with Objective 3 of Sport England's *Planning for Sport: Aims and Objectives* (Sport England Guidance) which ensures that new facilities are provided to meet demand to ensure that communities have access to sufficient, high quality sports facilities that are fit for purpose.

In light of the objection raised by Sport England (as detailed below) the Council seeks to amend the ELP as a result of analysis and discussions with Sport England to ensure that the plan is justified, effective and consistent with Objective 3 of Sport England's guidance and paragraphs 74 and 73 of the National Planning Policy Framework (NPPF) (**ND 4**).

Sport England has raised concerns that the applicable open space and land use policies for all three estates should specifically mention indoor and outdoor sports facilities in line with objective 3 of their guidance. Sport England also raised concern that they are not aware of a robust evidence base for playing pitches and indoor sports facilities for Merton and how this has been/will be taken into account to develop the plan.

Merton's current Playing Pitch Strategy (**MP 18**) was prepared in conjunction with Sport England in 2011 and assesses demand for sports pitches and the potential requirements for new sport pitches from 2011 until 2026. Due to the date of this publication, Merton Council has committed to developing a new playing pitch strategy. This strategy will be undertaken in partnership with other south London boroughs to deliver a comprehensive assessment of not only Merton's needs but surrounding boroughs in the south of London. This assessment will be prepared in conjunction with Sport England.

Further to this, Merton's adopted development framework (**MP 2** and **MP3**) contains policies that are consistent with paragraphs 74 and 73 of the NPPF (**ND 4**), objective 3 of Sport England's guidance and London Plan (**RD 1**) Policy 3.19. These policies apply to development across the entire borough and will be considered when assessing an application to develop the estates. These are:

- Policy DM 01 (Open Space) (a), (b) (i) – (iii) of Merton Council’s Sites and Policies Plan (**MP 3**) which specifically incorporates paragraph 74 of the NPPF (**ND 4**) and justification text 5.8; And
- Policy CS 13 (Open Space, nature conservation, leisure and culture) (h Leisure and Culture) (1) – (4) of Merton’s Core Planning Strategy (**MP 2**).

Merton has consulted with Sport England to alleviate their concerns and ensure the ELP is also consistent with Objective 3 of Sport England’s guidance and paragraph’s 73 and 74 of the NPPF (**ND 4**). As a result of this and the council’s own analysis, a new section to policies E5 / H5 / R5 and associated justification text is proposed to ensure that the following will be assessed when evaluating an application to develop the estates:

- An applicant would be required to assess the impact that the proposal will have on the current and future provision of indoor and outdoor sports facilities to support the projected number of people living in the estates.
- That any proposal will be required to protect existing facilities (and to enhance the quality, accessibility and management of these) and provide new facilities to meet any increase in demand generated by the development of the estates.
- That the Council commits to delivering a new playing pitch study in support of the planned borough-wide Local Plan in accordance with the NPPF (**ND 4**) and the London Plan (**RD 1**).

As such the following amendments are proposed.

Insert new element into Policy EP E5 (Open Space) – page 70, Policy EP H5 (Open Space) – page 116 and Policy EP R5 (Open Space) – page 162 (**MA73**)

Development proposals must be supported by an analysis of the current and future need for the provision of indoor and outdoor sports facilities in order to support the population arising from the proposals. Any proposals should in accordance with Sport England’s Planning for Sport Aims and Objectives protect existing facilities, enhance the quality, accessibility and management of existing facilities and provide new facilities to meet demand.

Insert new justification text into justification text for Policy EP EF (Open Space) – page 70, Policy EP H5 (Open Space) – page 116 and Policy EP R5 (Open Space) – page 162. (**MA74**)

Development proposals should demonstrate the impact that they will have on the use of existing indoor and outdoor local sports facilities. The scope and methodology of the research will be prescribed by Sport England and the local planning authority, during pre-

application discussions. Any identified shortfall should be mitigated where appropriate through either a condition attached to a planning decision, a section 106 agreement or the Community Infrastructure Levy (CIL) as identified at the planning decision making stage. In accordance with the NPPF and the London Plan, Merton Council is committed to delivering a new playing pitch study in support of the planned borough-wide Local Plan.

Sport England has indicated that they are in general agreement with the above proposed policy and justification text for each estate except that they have requested the Council includes the following sentence in the proposed policy text:

Development proposals that affect playing fields should be in line with Sport England's playing fields policy set out in Planning Policy Statement – A Sporting Future for the Playing Fields of England.

The Council does not agree with this inclusion as it is not considered to be a justified requirement for consideration to ensure the effective functioning of the proposed policy.

Using the definitions set out in Sport England's playing fields policy, there are no existing playing fields within the red line boundaries identified for each of the estates and as such Council considers that policies E2 – E5 of Sport England's Planning Policy Statement – 'A Sporting Future for the Playing Fields of England' (Sport England's Planning Policy Statement) would not apply to the development of the estates. The council considers that this Planning Policy Statement will be relevant to the current revisions of the borough-wide Local Plan and will seek to incorporate it there.

Policy E1 of Sport England's Planning Policy Statement states that Sport England will oppose the granting of planning permission for any development which would prejudice the use of, all or any part of a playing field or land last used as a playing field that is adopted in a local plan unless one of the specific circumstances listed applies.

Special Circumstance E1 of Sport England's Planning Policy Statement requires that a quantified and documented assessment of current and future needs that demonstrates that there is an excess of playing field provision in the catchment and that the site has no special significance to the interest of sport is required.

The Council considers that only potential circumstance where this policy could be applicable would be if the development of the estates resulted in a population gain that prejudiced (cause harm) playing fields surrounding the estates.

In this case, the Council considers that the proposed policies requirement that an application would be required to assess the impact that the proposal will have on the current and future provision of indoor and outdoor sports facilities to support the projected number of people living in the estates would meet specific circumstance E1 and thereby alleviate the need to include this requirement in the proposed policy.

QUESTION 7

Is simple reference to “gardens or amenity space that meet or exceed current space standards” in Policies EP E5, EP H5 and EP R5, necessary or effective expression of policy?

COUNCIL RESPONSE

Yes, inclusion of this statement is considered necessary and effective. The importance of gardens and amenity to residents within the estate is clear from residents’ representations at pre submission **(SD6a)** and at Stage 1 and 2 **(SD16)**

As set out in the ELP **(SD1)** Part 2, “Introduction” and “Key Drivers”, the ELP **(SD1)** is part of Merton’s statutory development plan, alongside Merton’s Core Planning Strategy 2011 **(MP2)**, Merton’s Sites and Policies Plan 2014 **(MP3)** and the London Plan 2016 **(RD1)** (and the South London Waste Plan 2012) **(MP34)**.

Currently garden and amenity space standards that apply to all developments in Merton are contained in policies DM.D1 of Merton’s Sites and Policies Plan 2014 **(MP3)** and the Mayor of London’s Housing SPG **(RD7)**. In developing the site analysis and plans for each of the estates there was no evidence to propose alternative garden and amenity space standards than those covering the rest of the borough.

However it is recognised that the estates will be built in phases over a 10-15 year period. Should borough-wide garden and amenity standards change over time, the ELP **(SD1)** is sufficiently flexible to address any changes over time.

The reference to *“garden and amenity space that meet or exceed current space standards”* strikes a balance between recognition of the importance of this issue to residents and avoiding unnecessary repetition and duplication from other policy documents within the Estates Local Plan. It also ensures that the ELP **(SD1)** will be sufficiently flexible over time and with different phases being built; should standards change during the 10-15 years of delivery

Putting reference to existing borough-wide amenity and garden space standards (either the existing standards themselves or reference to Policy DM D2, paragraph 6.1. of the Merton

Sites and Policies Plan **(MP3)** within the ELP **(SD1)** has been considered but has been rejected on the grounds that it would be repetitious, would cease to be an effective policy should these standards change during the 10-15 year lifetime and would be unnecessary.

QUESTION 8

Does the ELP satisfactorily address any risk of harm to the Wimbledon Commons SAC or Richmond Park SAC, including provision for mitigation if necessary?

COUNCIL RESPONSE

A Habitat Regulation Assessment (HRA) **(SD13)** has been completed for the ELP **(SD1)** in accordance with the European Union's Habitats Directive (92/43/EEC) **(ND10)**. This assessment examined any potential implications that the ELP **(SD1)** could have on Wimbledon Common and Richmond Park Special Areas of Conservation (SAC).

The primary reason for both Richmond Park and Wimbledon Common being selected as SAC's under the European Unions Habitats Directive **(ND10)** is due to the presence of stag beetle's being recoded in large numbers on the sites. Wimbledon Common is also identified as possessing habitats that qualify as a feature but are not a primary reason for the selection of the site; these are the presence of Northern Atlantic Wet heaths with *Erica tetralix* (commonly known as cross-leaved heath) and European dry heaths.

The HRA **(SD13)** identifies that the key potential impact upon increased use is that the wet and dry heaths of the Wimbledon Common could be affected by trampling from walkers, dog walkers or other recreational users. Further to this the HRA **(SD13)** identifies that a potential increase in recreational use of the site with regards to pollution, an increase in housing provision and transport emissions would be a secondary potential impact.

However, the HRA **(SD13)** highlights that these potential impacts addressed by the Wimbledon Common and Putney Heath Conservators and the Royal Parks Authority by way of by-laws under the Wimbledon and Putney Commons Act, 1871 and the Royal Parks and Other Open Spaces Regulations. These laws and regulations set out restrictions on the use of the sites and protection of animals present including restrictions on dog walking and how the grounds can be used by people. The HRA **(SD13)** considers that the use of these laws is an appropriate way to satisfactorily address any potential harm upon the SAC's.

Further to this the HRA **(SD13)** (chapter 6: paragraphs 6.1 and 6.2) concludes that the plan is unable to screen out likely significant effects as the number of housing units or design details of development is not yet known. As such the HRA **(SD13)** requires developers to carry out individual Appropriate Assessment (AA) for each estate with any submitted

planning application. It is also stated that prior to commencing the AA it is necessary that the applicant agree to the scope and method of the AA with Natural England and Merton Council.

Additionally there is a suite of existing policies that would need to be taken into account when assessing an application for development that is likely to have a significant effect on a SAC. This includes London Plan **(RD1)** Policy 7.19 Biodiversity and Access to Nature, Policy CS13 Open Space, Nature Conservation, Leisure and Culture of the London Borough of Merton Core Strategy (2011) **(MP2)** and Policy DM 02 Nature Conservation, Trees, Hedges and Landscape Features of the London Borough of Merton Sites and Policies Plan (2014) **(MP3)**.

To ensure that the ELP aligns with the HRA **(SD13)**, London Plan 2016 **(RD1)** and Local Plan policy and satisfactorily addresses any potential risk of harm from the development of the estates the following guidance is proposed in Part 04: requirements for planning applications:

PROPOSED AMENDMENT MA 71

Impact of development on Wimbledon Common and Richmond Park Special Areas of Conservation:

Development proposals that are likely to have a significant effect upon Wimbledon Common or Richmond Park Special Areas of Conservation are required to submit an appropriate assessment under the European Union's Habitats Directive (92/43/EEC). As prescribed in the Habitats Regulations Assessment (HRA) for the Estates Local Plan (Dated X) the applicant should agree the scope and methodology of the assessment with Natural England and Merton Council. The assessment should address what potential impacts the proposal could have on a SAC, identify how any impacts can be avoided, minimised or mitigated and if the proposal will have a significant impact on the 'site integrity' of the SAC. The assessment should assess how the proposal meets Policy 7.19 Biodiversity and Access to Nature of the London Plan (2016), Policy CS13 Open Space, Nature Conservation, Leisure and Culture of the London Borough of Merton Core Strategy (2011) and Policy DM 02 Nature Conservation, Trees, Hedges and Landscape Features of the London Borough of Merton Sites and Policies Plan (2014).

QUESTION 9

Is the general approach to matters and development beyond the tight ELP boundaries appropriate?

COUNCIL RESPONSE

Yes, the general approach to matters and development beyond the tight ELP **(SD1)** boundaries is appropriate.

The ELP **(SD1)** boundaries cover the areas directly influenced by the estate regeneration. Like any large site or Local Plan at the edge of the boundaries between two different Local Planning Authorities, matters beyond the boundary will be considered in assessing a planning application for development.

For example, the achievement of high quality design as set out in the NPPF **(ND4)** paragraphs 56-69, the London Plan 2016 **(RD1)** policies 5.3 Sustainable Design and Construction, Merton's Core Planning **(MP2)** Strategy policy CS12 Design; Merton's Sites and Policies Plan (MP3) DM.D1 *Design considerations in all developments* and the ELP **(SD1)** OEP1 Vision *the creation of sustainable well designed safe neighbourhoods*, as well as the Estates visions contained in that policy.

All of these matters require a consideration of high quality design appropriate to its setting. The site's setting will consider matters beyond its boundaries, such as landscape features, building heights, conservation areas and transport corridors which may be beyond the site's boundaries but will be vital in the site analysis and thus the implementation of the policies covering the site area.

Conversely matters referred to within the Estates Local Plan **(SD1)** that are located beyond the actual boundaries of the three estates would still be relevant under borough-wide planning policies. One example would be ensuring the openness and visual amenity of Metropolitan Open Land at Morden Hall Park and Ravensbury Park. For development within the Ravensbury Estate Local Plan boundary, this is referenced in several places including Policy EP.R1 (a).

For developments that may occur beyond the ELP **(SD1)** boundary, this matter would be considered under (MP3) Merton's Sites and Policies Plan DM. O1(e) and London Plan 2016 **(RD.1)** policy 7.17(a)

Specifically with regard to the High Path estate, there are proposals for new development in close proximity to the ELP **(SD1)** boundary, including a new secondary school development immediately adjacent to the southern extent of the High Path estate.

Delivery of the secondary school is dependent on land assembly, planning permission and government funding. As of June 2017 there has been no completion/resolution of the proposed school site assembly, nor any formal planning application received by the council for the proposed school development.

The council notes residents' representations at pre-submission publication stage **(SD6a)** regarding the proposed location of the secondary school and potential issues of traffic and other matters. Should a planning application be received for a secondary school, these matters will be considered against the adopted policies within the statutory development plan that applies to the site and not via the ELP **(SD1)**.

QUESTION 10

Should the requirement for phasing plans (paragraph 5.7) be given the status of policy?

COUNCIL RESPONSE

Yes, the requirement for phasing plans to be submitted as part of the planning application process should be given the status of policy.

The council considers that the importance of the phasing plans for the estates is stated clearly. However to increase the clarity of the requirement at planning application submission and to increase the robustness of the plan the council has incorporated this requirements into Overarching Estates Policy (OEP) 2. This policy sets out council's requirement from paragraph 5.7 with the additional text in the justification of the policy.

PROPOSED AMENDMENT

OEP2 **MA1**

QUESTION 11

Is the status of the 'Urban Design principles' and Part 04 'Design requirements for planning applications' clear and appropriate in all instances? Do, or should, they comprise policy, guidance, explanation or validation checklist?

COUNCIL RESPONSE

No, their status is not clear, however the council consider their appropriateness is clear.

Part 1 Introduction sets out the format of the plan at para. 1.1. Part 3 is clearly described as a set of detailed policies – a clear statement on the status of the guidance. However, the descriptions of Part 2 and Part 4, where these sections are located, does not provide a clear statement of the status of this guidance in relation to the status of the policies in Part 3. This could lead to some lack of clarity, particularly regarding the weight that should be given to this guidance in decision making.

The Plan was developed from the outset as a design-based document, and was prepared as such. This is clearly evident throughout the Plan. Most of the key reasons the estates need a more comprehensive approach to regeneration are design based. However, the importance of design is not explicitly stated anywhere in the plan, either in the What Informs the Estates Local Plan, Key Drivers or Case for Regeneration sections. Thus the appropriateness of these design sections is clear.

Para 4.2 provides a clear link between Part 4 and the preceding Part 3 policies, and it is also implied that they could form part of the validation checklist, though it was decided not to do this.

PROPOSED AMENDMENTS MA2

The Urban Design Principles section should be written as a specific policy in the same format as the site-specific policies to increase the clarity and appropriateness. OEP 3 – URBAN DESIGN PRINCIPLES - Please refer to MA2 and Appendix 2 of the minor modification table

QUESTION 12

What is the general status of the “Further Guidance” to each of the policies? What criteria have been used to determine what goes into a policy and what into Further Guidance? Should it be incorporated in the policies in some instances?

COUNCIL RESPONSE

The status of “Further Guidance” to each policy was based on a view of the relative importance of the guidance, its reasonableness in achieving the overall regeneration objectives, and deliverability, as distinct from the text justifying the policy.

Initially, these were written as two ‘strengths’ of policy – a ‘Required and an ‘Advisory’. This is a common approach to writing guidance – for example the Mayor’s Housing SPG REF employs this 2-tier approach.

To improve the clarity, of the plan and to better reflect the general status of the document as a Development Plan Document, as opposed to SPG or SPD, it is recommended that the further guidance text be relocated to justification section.

PROPOSED AMENDMENTS

Relocation of any sentences has been carried out on the basis of where they best fit into the flow of the Justification

Eastfields

EP E1 Townscape

Deleted ~~Further guidance~~

Relocate paragraph 3.37 and 3.38 to between Justification paras 3.42 and 3.43 **MA14**

EP E2 Street Network

Deleted ~~Further guidance~~

Relocate paragraph 3.44 and 3.45 to between Justification paras 3.48 and 3.49 **MA15**

EP E3 Movement & Access

Deleted ~~Further guidance~~

The first sentence of para 3.51 repeats Policy EP E3 a) and also paragraph 3.58 of the justification. Therefore the first sentence of paragraph 3.51 is recommended for deletion. **MA16**

~~“3.51 Consideration should be given to allowing through traffic on the east-west combined Acacia Road, Mulholland Avenue and Clay Avenue street.”~~

The remainder of para 3.51. (*“In order to improve bus reliability and accessibility for the estate, proposals should investigate the potential implications of routing one or more bus services away from the level crossing and along this street, based on appropriate impact assessment and consultation”*) refers to the feasibility of rerouting bus services. This is similar to the content of the main policy regarding general vehicular access on this combined E-W street which is justified at paragraph 3.58. It is recommended that the second sentence of para 3.51 be relocated to between para 3.58 and 3.59. **MA16**

EP E4 Land Use

Deleted ~~Further guidance~~

Relocate paragraph 3.60 to after Justification para 3.65 **MA17**

EP E5 Open Space

Deleted ~~Further guidance~~

Paras 3.66 to 3.68 to become Justification The exact location is laid out in the Mods Table in the response to matter 2 question 4 (Eastfields E5 Open Space policy) **MA20**

EP E6 Environmental Protection

No Further Guidance for this policy

EP E7 Landscape

Deleted ~~Further guidance~~

Move para 3.89 to between Justification paras 3.92 and 3.93 **MA29**

EP E8 Building Heights

Deleted ~~Further guidance~~

Relocate para 3.94 and 3.95 to after Justification para 3.97 **MA32**

High Path

EP H1 Townscape

Deleted ~~Further guidance~~

Move para 3.130, 3.131 and 3.132 to between Justification paragraphs 3.134 and 3.135 **MA33**

EP H2 Street Network

Deleted ~~Further guidance~~

Relocate para 3.137 to 3.141 to after Justification para 3.144 **MA34**

EP H3 Movement & Access

Deleted ~~Further guidance~~

Relocate all paragraphs (3.145 to 3.152) within the former “Further guidance” section to within the Justification. Reorder all the paragraphs so that the Justification flows clearly and consistently (e.g., the paragraphs referring to parking are located beside each other)

Delete the second, unnecessary “~~Justification~~” heading on page 110 (above para 3.161) **MA35**

Order of paragraphs now reads

3.153

3.155

3.156

3.159

3.158

3.157

3.145

3.147

3.148

3.149

3.160

3.161

3.151

3.162

3.163

3.164

3.146

3.154

3.150

3.152

EP H4 Land Use

Deleted ~~Further guidance~~

Relocate para 3.165 to 3.166 to between Justification para 3.170 and 3.171 **MA36**

Relocate para 3.167 to between Justification para 3.172 and 3.173 **MA36**

EP H5 Open Space

Deleted ~~Further guidance~~

Relocate para 3.175 and 3.176 to before para 3.177 **MA38**

EP H6 Environmental Protection

No Further Guidance for this policy

EP H7 Landscape

Deleted ~~Further guidance~~

Relocate para 3.198 to 3.200 to between Justification para 3.203 and 3.204 **MA46**

Relocate para 3.201 to after Justification para 3.204 **MA46**

EP H8 Building Heights

Deleted ~~Further guidance~~

Relocate para 3.205 to 3.206 to after Justification para 3.207 **MA48**

Ravensbury

EP R1 Townscape

Deleted ~~Further guidance~~

Relocate “further guidance” paragraphs 3.238 to 3.242 (as modified) to within the Justification section of this policy in a clear and effective way. **MA50**

~~3.238~~

3.243

3.244

3.245

3.246

3.247

3.248

3.249

~~3.239~~

~~3.240~~

3.250

3.241

3.242 (paragraph as modified from SD3, minor modification 24)

EP R2 Street Network

Deleted ~~Further guidance~~

Relocate paras 3.251-3.253 to within the Justification after para 3.256 **MA51**

EP R3 Movement & Access

Deleted ~~Further guidance~~

Relocate paras 3.257 to between paras 3.261 and 3.262 **MA52**

Relocate para 3.258 to after para 3.266 **MA52**

EP R4 Land Use

Deleted ~~Further guidance~~

Delete para 3.267: this paragraph is not effective **MA53**

~~3.267 Applicants may propose other land uses, though these must be appropriate to the site and comply with local planning policies. However, it is considered unlikely there will be any demand for other non-residential uses.~~

EP R5 Open Space

Delete ~~Further guidance~~

Relocate Paras in “Further guidance” to become JUSTIFICATION (Ravensbury R5 Open Space policy) **MA56**

EP R6 Environmental Protection

Delete ~~Further guidance~~ **MA65**

Para. 3.279 refers to the back channel. This is covered separately in para. 3.281 and has nothing to do with restoring the historic river channel. Therefore the first sentence of para 3.279. should be deleted and relocated to para 3.281 for clarity and effectiveness.

3.279 ~~The landscape character of the estate is reinforced by the back channel tributary of the River Wandle.~~ There is scope to reinstate a historic river channel which runs alongside Morden Road, which could connect with the existing watercourses within Morden Hall Park.”**MA65**

“3.281 ~~The landscape character of the estate is reinforced by the back channel tributary of the River Wandle.~~ There is potential to enhance the back channel this tributary of the River Wandle, that which runs along the southern boundary of the site, subject to Environment Agency flood defence consent...” **MA65**

Relocate para 3.279 (second sentence onwards) to between Justification para 3.286 and 3.287 **MA65**

Relocate paras 3.280 to 3.282 to between Justification paras 3.287 and 3.288 **MA65**

EP R7 Landscape

Deleted ~~Further guidance~~

Relocate Para. 3.301 to after Justification para 3.306 **MA67**

EP R8 Building Heights

Deleted ~~Further guidance~~

Relocate Paras. 3.307 to 3.309 to after Justification para 3.310 **MA68**

QUESTION 13

Is the status of drawings and diagrams within ‘The Vision’ section and accompanying the policies sufficiently clear?

RESPONSE

Having considered this question, the council is suggesting two minor amendments to ensure that the status of the drawings and diagrams throughout the Plan are sufficiently clear.

The drawings and diagrams associated within each policy within the Estates Local Plan were created to set out how the policy might look when applied to the site; giving a spatial dimension and a graphic illustration to the policy wording.

However there will often be more than one way that a policy can be successfully implemented on each site. Planning applications may propose something different but equally successful to that which is set out in the diagram for that particular policy.

The diagrams contain some factual elements (e.g. the location of existing roads and underground stations, the location of green space and trees within the estates) and the keys to the diagrams already show where matters are considered illustrative.

The wording in the plan should be used to assess planning applications; if there is any doubt, the wording in the plan takes primacy.

The diagrams associated with the “vision” for each estate (pages 30-35 of ELP (SD1)) are made up of an amalgamation of each of the eight diagrams for each policy overlaid onto each other; similar to the Key Diagram for a Core Planning Strategy (MP3)

The council recommends adding titles to each of the main diagrams:

PROPOSED CHANGES

Eastfields: spatial diagram of all policies (E1-E8) (added to diagram on page 31 **MA72**)

High Path: spatial diagram of all policies (H1-H8) (added to diagram on page 33)

MA72

Ravensbury: spatial diagram of all policies (R1-R8) (added to diagram on page 35))

MA72