Attendance:

R Punshon – Planning Inspectorate
T Butler – LBM
C Hatcher – LBM
C O’Donovan – LBM
P Howson – LBM
S Williams – LBM
V Mowah – LBM
J Shanahan - GOL

Purpose of visit:

1. The purpose of Frontloading visits is to consider what has been done so far in preparation of the Development Plan Document (DPD) and to identify those issues and questions which, at this stage, appear potentially problematic in terms of soundness.

2. No attempt has been made by PINS to reach any conclusions on the material submitted, to confirm the adequacy of the work done so far or to endorse any part of the DPD as sound. In any event, this would not have been possible given that the DPD is only at an early stage in the preparation process and in the time available. This note should not therefore be taken as pre-judging the likely outcome of the Examination of the DPD.

3. Any guidance provided by this Note will be specific to Merton. It should not be assumed that it is necessarily applicable to other authorities in other circumstances.

The Note:

4. Current practise is that the Note will become a Public Document and will appear on the Core Document list. The Examining Inspector will be provided with a copy. It is stressed that the Note is advisory only and does not constitute a formal part of the Examination process. The Council should make the status of the Note clear to those persons to whom copies are provided.

Examination:

5. The Examining Inspector may seek an Exploratory Meeting or a Procedural Meeting with the Council, GOL and other parties ahead of the Pre-Examination Meeting and Hearing Sessions. The Inspector advised that the Council should take this as an early opportunity to identify areas where the Inspector may require additional information or an explanation of various matters which he/she feels will need to be
addressed. The Council is advised to make full use of the potential of such Meetings.

General Points:
6. The Council explained that the Core Strategy (CS) document provided was a pre-Publication version of the document, essentially a Preferred Option/Draft CS document. The Inspector was of the view that production of the document was useful in that it would allow meaningful consultation on the emerging CS provisions which could be taken into account prior to consultation at Publication stage. In these circumstances a number of issues could be resolved before the Publication stage enabling the Examination process to focus on the issues which remained contentious.

Issues Raised by the Council:
7. The Council provided a list of issues which it wanted to discuss. These will form the basis of this note. In addition the Inspector had read the document provided and raised a number of matters which could be of concern to the Examining Inspector. These are dealt with briefly under Other Points below.

Colliers Wood Area For Intensification (AFI)
8. It is a legal requirement that the CS should be in general conformity with the Regional Spatial Strategy (RSS) – in this case the London Plan. Usually this test is met by the relevant authority - in this case the Greater London Authority (GLA) - confirming that the CS is in general conformity. The test is not one of absolute conformity. It is important that the GLA should clarify its position in this regard. If Colliers Wood is not identified in the CS as an AFI, would the GLA refuse to confirm that the CS was in general conformity? If so the CS would, on the face of it, fail the legal test. However, in these specific circumstances, the Examining Inspector is likely to wish to satisfy himself/herself through the Examination process that the GLA’s position is justifiable. If, as an alternative, the GLA should take the view that the CS was in general conformity but that it had a specific objection to the deletion of the AFI designation, then the Examining Inspector would expect the GLA to justify this objection. In either case the Examining Inspector would expect the GLA to produce evidence to support its stance that Colliers Wood should continue to be designated as an AFI in the face of up-to-date flooding information and the EA’s view that development in the area should not be permitted except with appropriate mitigation. The GLA’s evidence would be weighed against the Council’s evidence base.

9. The Inspector’s view was that, in the first instance, it would be important for the Council to clarify the EA’s position regarding its objection to development at Colliers Wood having taken account of its recent non-objection to specific development proposals in this area. It would be important to establish what was likely to be required in
mitigation terms in different parts of the area, what the likely impact of mitigation would be on layout and design and whether the costs of such works would render development unviable having taken account of other necessary requirements such as the improvement of accessibility to the more remote parts of the designated area? Following this and to resolve the matter, the Inspector suggested that the Council should:-

a) clarify the position of the EA on development in the Colliers Wood area and, in particular, whether the EA intended to object to emerging London Plan provisions which identify Colliers Wood, as a whole, as an AFI;
b) devise a draft policy and associated text which reflects the evidence base and the EA position. Depending on the EA stance, such a policy may well involve a strategy of permitting development in parts of the Colliers Wood area provided that approved mitigation measures were put in place. The policy is also likely to limit development to those parts of the AFI where, in the light of a lack of support for publicly-funded accessibility improvements, any necessary accessibility improvements could be viably required from developers;
c) seek the views of the GLA on the proposed policy and text establishing, in particular, whether inclusion of the policy in the CS would cause GLA to argue that the CS was not in general conformity with the London Plan or whether the GLA would object to the policy without arguing that the CS was not in general conformity;
d) establish with GLA on the basis of what evidence was it likely to object and what position it was likely to take in response to an EA objection to the AFI provisions of the London Plan; and,
e) in the light of the responses above, decide what approach to take in the CS on the Colliers Wood AFI issue and develop appropriate policies and text to give guidance to developers on exactly how individual schemes in the AFI would be assessed.

10. The Inspector did not favour the Council’s approach of merging Colliers Wood/South Wimbledon with the wider Wimbledon area in terms of housing provision in Policy 14. In the Inspector’s view this merely masked the dispute regarding development in the Colliers Wood/South Wimbledon area. It implies that some development may come forward in the Colliers Wood when, if the EA maintains its stance, it would not or the quantum of development may be limited. The Inspector was of the view that the issue needed to be firmly addressed rather than avoided and that the Colliers Wood/South Wimbledon area (which appears to form a geographically homogenous area – see also paragraph 28 below) and the wider Wimbledon area should be dealt with as 2 separate areas. The purpose of the CS was to resolve this type of difficult question.

Colliers Wood District Centre proposal

11. The Council was of the view that, in terms of retail floorspace and accessibility, Colliers Wood retail centre met the criteria for designation as a District Centre in the London Plan. The Council intended to pursue
this re-designation as it would enable the centre to contribute to meeting employment targets. From the discussion it was the Inspector’s view that re-designation was a very important plank in the Council’s strategy and should be pursued vigorously. He suggested a proactive approach with GLA by devising a wording for Policy 2 which actively seeks re-designation of the centre. This policy should be put to GLA before Publication with a view to securing early clarification of GLA’s likely response to the Council’s approach using a similar methodology to that outlined above.

**Part-implemented Initiatives**

12. Inevitably there will be a number of on-going projects and initiatives which will be carried forward into the CS. The evidence base and SA will need to show that these still represent the most appropriate strategy for the Borough. The CS should indicate what has been achieved so far by these projects and what is expected in the future. A ‘road map’ which sets out the process by which the projects and initiatives evolved could form the basis of a topic paper to explain the background including their evolution through any adjustments or changes of direction.

13. Some projects and initiatives will involve processes outside the traditional land-use planning process. However, within a spatial planning framework they should not be excluded from the CS and the DPD should indicate in what areas it can provide practicable contributions to these.

**Open Space Issues**

14. Clearly the provision of school places is an important issue which the CS is seeking to address. While loss of open spaces may be contrary to the thrust of GLA and national policy, there will always be ‘local’ circumstances which justify a ‘local’ response. The Council’s playing fields/school places policy would not therefore necessarily be unacceptable. The Examining Inspector will need to see evidence that the Council’s approach is the most appropriate alternative to secure the provision of places. The framing of the policy to apply only where it is supported by specific local evidence and is locally justified is important. It may also be worth taking account of any existing over- or under-provision playing fields as part of the decision making process.

**Compliance with the emerging London Plan**

15. The emerging London Plan had been formally published and was being consulted upon at the time of the Inspector’s visit. Examination of the London Plan was scheduled for the Summer of 2010. It was likely to be the early part of 2011 before the London Plan could be realistically adopted. Paragraph 53 of PPS3 advises that Council’s should have regard to the level of housing provision proposed in emerging RSSs. However, GOL stated that, given that the London Plan had not yet been publicly Examined, most Borough Councils were preparing their CSs in-line with the adopted London Plan. In the Inspector’s view this would give THIS Council particular problems.
In terms of **Housing Requirements**, the SHLAA which had been undertaken only identified capacity in the Borough for the delivery of 320 dwellings per year. This had been carried forward into the emerging London Plan. The adopted London Plan set a target of 370 dwellings per year. If the Council CS sought to meet the target set by the adopted London Plan, its strategy would not be supported by the up-to-date evidence base, the SHLAA. In these circumstances the Inspector was of the view that the CS should be based on the emerging London Plan requirement as this was supported by the most up-to-date evidence. However, the CS should contain clear contingency measures linked to the outcome of the Examination of the emerging London Plan which would trigger a review of the housing delivery element of the CS if the emerging housing requirement was to be changed. This process should be made clear in the CS text.

In terms of **Affordable Housing**, again, a policy which is in-line with the adopted London Plan would not be supported by the up-to-date viability study which has been undertaken and would not comply with the corresponding policy of the emerging London Plan. In the Inspector’s view it would be sensible in these circumstances to develop a policy which was in conformity with the emerging London Plan and reflected the up-to-date evidence base.

**Pre-Publication Consultations**

The Council’s CS would be subject to a consultation exercise at Publication stage and interested persons would have a full opportunity to comment to the DPD provisions. However, the Council may wish to undertake some focussed consultation on some specific matters ahead of Publication in order to draw out potential issues. One such area was affordable housing. It is important to remember that there is no requirement to undertake consultation at this stage. Failure to undertake pre-Publication consultation would not, by itself, render the CS unsound. The Inspector’s view was that a focussed consultation exercise over a shortened period and involving only those ‘main players’ who are most likely to make meaningful contributions would be appropriate. In the Inspector’s opinion this would be a pragmatic device and would help to eliminate unnecessary consideration of the affordable housing policy at the Examination.

The Council’s aim should be that the Publication version of the CS should be as complete and up-to-date as possible with as many of the issues of concern to interested persons resolved. Arising from representations and through the course of the Examination, it is likely that some other amendments will be sought. These may be suggested by the Council or the Examining Inspector. Where these involve material issues the Examining Inspector is likely to require a further round of consultation. It may be appropriate to carry this out as a single consultation exercise dealing with a raft of amendments. It may be that the Examining Inspector will require additional Hearing sessions to address the issues raised by those making representations on the amendments.
Evidence Base - Retail Capacity Studies
20. The Council has 2 retail studies - one pre-recession and one carried out more recently - which show very different results. The Inspector’s view was that the Council should avoid devising policies based on what could be temporary phenomena and which were ‘knee-jerk’ reactions. Already the retail sales sector appeared to be showing a significant degree of recovery from recession and, whilst the sector may not recover to its earlier high point, estimates based on the trough of the market could be misleading.

21. The Inspector advised that the Council could consider a very simple up-dating of the existing reports just before Publication to give the clearest picture of trends and to devise its policies on that evidence with a set of contingencies to deal with significant deviations from predictions. It may be that the policies may need to be flexibly worded to enable contingencies to be readily accommodated.

Evidence Base – References and Topic Papers
22. The DPD should be comprehensively referenced to indicate which parts of the Evidence Base are relevant to the formulation of the DPD provisions. This has been done successfully elsewhere by the employment of either margin notes or footnotes.

23. It is often helpful to the Examining Inspector for the Council to prepare short Topic Papers to explain the process by which the main DPD provisions were formulated and the relevance of various parts of the Evidence Base and to address any specific questions raised by the Examining Inspector.

Adopted Proposals Map
24. It is often the case that the Council’s emerging LDF will only replace the saved policies of the adopted Unitary Development Plan in an incremental fashion with both elements forming part of the adopted development plan for a period. Each DPD should, therefore, make clear which parts of the Unitary Development Plan it replaces. The provisions of the new DPD may have consequential effects on the Unitary Development Plan Proposals Map (PM). Clearly it is important that users of the documents should not become confused about which parts of the PM are still current and which have been superseded. The PM is not part of the DPD and the Examining Inspector cannot direct that it be amended. The Council should therefore bring forward any intended changes to the PM through the Examination.

Other Points
25. In the Inspector’s view a much clearer focus should be placed on the matters which determine the strategy – the Main Issues, Key Challenges, Vision for the Borough over the next 15 years and Key Objectives. These should be clearly stated. Concentration on these matters should enable the policies to be more precisely framed with less emphasis on vague expressions of support and encouragement and a clearer view of what the Council will DO by way of supporting
and encouraging. A greater emphasis on delivery of the sentiments set out in the policy is required. This would enable policies to be more precisely monitored.

26. Policy 1 – the CS should provide an overarching policy context for the more detailed policies which follow. The Council’s essential efforts – Bridging the Gap, Colliers Wood centre, school places provision, etc should come through more clearly. The CS should make a clear distinction between the over-arching strategy for the Borough and the more detailed strategies for sub-areas. The structure of the CS would read more logically if all Borough-wide policies were placed first with the sub-area strategies following behind.

27. The existing Policy 1 deals mainly with town centres. The content of the policy would be appropriate to a CS. It should not necessarily be replaced by a policy which sets out the overarching strategy. It is a Borough-wide policy which could follow another policy which sets out the essential strategy. The Spatial Strategy is usefully summarised in Part 12. If this were to be given more prominence (perhaps by re-phrasing the message in the box after 12.1 as a policy) this may suffice.

28. Policy 2 – see Inspector’s view on combining Colliers Wood/S Wimbledon with wider Wimbledon above. In the Inspector’s opinion the 2 areas should be separated with Colliers Wood re-named Colliers Wood/South Wimbledon to remove confusion. Once issues surrounding the AFI are clarified, the section should set out the proper position regarding development in Colliers Wood.

29. The sub-area policies should set out the sources from which housing provision would be derived (e.g. small brownfield infill sites, larger town centre brownfield sites, greenfield sites, etc) and in what sequence and over what period these would come forward. The Examining Inspector will expect to see evidence that the Council knows the sources for delivery of housing.

30. It could be expected that the section dealing with the Colliers Wood centre could be more specific in what could be expected from re-designation and how the Council would deliver it e.g. by granting permissions, using CPO powers, seeking developer contributions, etc. The CS should provide the proper basis for any future SPD or masterplan.

31. Policy 3 – the existing efforts being made in the centre should be drawn out and the policy should clearly indicate how these would be taken forward. Given the importance of town centre regeneration to the Council’s strategy it should feature more prominently with clearer messages about delivery.
32. See comments on the sources and timing of housing delivery set out above. The delivery and mix of housing is clearly important to the strategy of Bridging the Gap and this should be made clear.

33. Policy 4 – again the policy content is fairly bland and lacking in hard detail about delivery. For instance, how will the Council capitalise on transport links? How will accessibility to the hinterland be improved? How will the quantity and quality of uses be improved? The Examining Inspector will want to be persuaded that the Council has clear proposals for the delivery of these ambitions.

34. See comments on the sources and timing of housing delivery set out above.

35. Policy 5 – similar comments apply. The ability of the policy to direct growth is much reinforced in that it places restrictions on areas such as Shannon Corner in order to focus growth in the Raynes Park centre. To deliver a coherent strategy which focuses on certain centres it is inevitable that restrictions will need to be applied elsewhere. The CS exists to make these difficult decisions and they should not be avoided. They will assist in ensuring deliverability of the CS provisions.

36. See comments on the sources and timing of housing delivery set out above.

37. Policy 7 – similar comments apply with regard to centres and housing delivery.

38. Policy 8 – many local planning authorities are incorporating a ‘design’ policy in CSs which provides a framework for the forthcoming DPDs and SPDs. Where the policy makes specific design statements e.g. with regard to tall buildings, the Examining Inspector will expect to see supporting evidence for the Council’s position.

39. Policy 9 – the Climate Change Supplement (CCS) sets out the approach which should be adopted to the inclusion of decentralised and renewable and low carbon energy technologies and sustainable homes policies in DPDs and the nature of the evidence which needs to be made available to support such policies. The essential elements of the Council’s strategy should be set out in policies contained in a DPD rather than an SPD. However, the use of an SPD to support delivery of the DPD policies by providing detailed guidance would be appropriate.

40. Policies 13 and 14 – see comments about affordable housing above. This is the overarching policy statement on housing but comes after the sub-area statements. This order does not read logically.

41. Policy 15 – the policy should state that necessary allocations will be made on the basis of the criteria (which presumably reflect Circular
advice) but, in the meantime, decisions on proposals coming forward will be made using the criteria.

42. Policy 16 – how will development be consolidated? The policy could be more forceful on the Colliers Wood issue which is a major plank in the Council’s strategy.

43. Policies 17 – how will these measures be encouraged and supported? Developer contributions? Inclusion in design?

44. Policy 18 part a – should this be a requirement rather than simply encouragement?

45. The Inspector advised that Monitoring, Flexibility and Implementation was an important element of the DPD. In the Inspector’s view it would be necessary for the DPD to identify Targets (possibly time based) and Trajectories, Levels of Deviation and Indicators which would trigger reviews, and Remedial Actions and Contingencies (also time–identified) which would be brought in to bring the DPD back into line. A closer focus on delivery will produce policies which are more easily monitored in that deviations from target and non-delivery can be more readily identified. ‘Knee-jerk’ responses to any deviation from targets may not always be appropriate. A more appropriate approach in some cases may be to monitor deviations over 2 or 3 years to identify a continuing trend which needs to be addressed. Contingencies should reflect the causes which have led to the deviation from targets. The Inspector advised that this could be set out in an appendix to the DPD in the form of a table.

46. Infrastructure delivery can be set out in a table with references to individual policies if there are deliverability links.