



PROPOSALS FOR SCRUTINY BY MERTON COUNCIL March 2021

1. Mitcham Cricket Green Community and Heritage takes an active interest in the future of the Cricket Green Conservation Area and its environs. We are the civic society for this part of Merton and part of the wider civic movement through membership of the national charity Civic Voice.
2. We welcome this opportunity to help shape the Council's scrutiny priorities and make a number of suggestions. These are each supported by a brief rationale. We should be pleased to expand on any of the issues raised and look forward to being informed of the final selection.
3. We are conscious of having made similar representations every year between 2014 and 2019. It is very rare for these issues to be taken up and there is a strong impression that the topics chosen are largely drawn from those proposed by local councillors. Because of this we did not make any suggestions in 2020.
4. We welcomed the opportunity to discuss our earlier representations back in 2016. This confirmed that it is not the role of the Planning Applications Committee to address issues around performance of the planning service and so this falls to Scrutiny. Despite this and the significant public interest on planning issues there has been no effective scrutiny of the service, including the continuing decline of planning enforcement and growing concern over the operation of the Planning Applications Committee.
5. We were grateful to the Scrutiny team for passing on our 2016 issues to other departments within the local authority asking them to respond. Regrettably, we have received no response from any department. It would be helpful to know how we can address this lack of internal response. We raised this issue in 2018 again without any response.
6. We also believe public confidence in the Scrutiny process would be enhanced if a significant proportion of the issues addressed by Scrutiny were raised by groups and local people rather than local councillors. It would be helpful if this breakdown was recorded and published. We particularly regret that a number of the issues raised below recur from year to year.

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7. We propose the following issues for scrutiny:

Operation of the Planning Service – this would address a range of issues of growing public concern, including:

- Operation of the Planning Applications Committee, including the failure to provide the training required by Merton's Constitution to all serving councillors and perverse decision making with councillors verbal contributions at odds with their voting decisions
- Quality of the Local Plan review, including publication of a draft riddled with errors including incorrect policy numbering and references, syntax errors, incomplete sentences, incorrect references to both the National Planning Policy Framework and Planning Practice Guidance, incorrect transposition of London Plan policies and Transport for London decisions, factual errors, inconsistent and missing paragraph numbers, duplicate text, missing text, wrongly located text, a site allocated to the wrong area, omission of a nationally listed heritage asset, maps lacking both titles and identifying numbers, and incorrectly named locations in the Borough. It is grammatically illiterate in places and the problems extend to the drafting of a number of the planning policies. The issues are so extensive as to hamper the consultation, undermine credibility in the approach and conflict with national planning policy
- Use of design tools and processes as advised by national planning policy, including use of masterplans, design guides and design codes
- Lack of engagement of the local community in pre-application discussions, contrary to national planning policy
- Consultation and access to planning applications, addressing public concern over:
 - the poor quality and usability of Planning Explorer which falls well below the standards of other local planning authorities in London and lacks even basic map-based access to planning information in an area – with investment planned in this area in Merton's Business Plan this is an ideal opportunity for a Scrutiny Review leading to a more user focused system developed through a service design approach
 - a lack of access to public comments on planning applications which has been withdrawn on spurious data protection grounds which are successfully navigated by a majority of other London boroughs
 - removal of information on planning applications once they have been determined despite its importance as a public record
 - experience of limited and poorly implemented neighbour notification
 - inadequate information being provided by applicants and a failure to require this before planning applications are registered
 - gaps in the provision of the Planning List by email and a failure to include applications submitted during the gaps in later digests of applications received
 - significant amendments being made to planning applications during the consultation period with limited or no public information that these amendments have been made and so no opportunity for making further comment
 - significant amendments being made to planning applications after the consultation period with limited or no public information that

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- a lack of opportunity to comment on the important details set out in planning conditions when applicants seek approval for non-material amendments and experience of Planning Officers specifically rejecting representations on the grounds that such matters are not for public comment
- a reduction in the opportunities for the public to speak at Planning Applications Committee - a review would now be timely
- officers publishing reports making recommendations to the Planning Applications Committee prior to the end of the consultation period – thereby being unable to take account of all representations from the public
- inconsistency over the availability of viability assessments, Design Review Panel discussions and pre-application advice – some of which is only made available through Freedom of Information requests on a case by case basis.

Tree management and protection – the loss of street trees and valued trees to development, lack of tree protection in Conservation Areas, confusion over the role of Tree Preservation Orders in Conservation Areas, failure to publish a promised Tree Strategy and inadequate Local Plan policies.

Online reporting – the inadequacy of online reporting mechanisms which have limited public awareness where they exist, are not user friendly, deter repeat use, lack integration across different service areas, and a lack transparency and reporting when effective online reporting tools are available.

Effectiveness of Mitcham Common Conservators - an independent review of the Conservators' role is long overdue, especially in light of:

- Conservators inaction on planning applications or representations which do not appear to have the best interests of the Common at heart
- unclear procedures and weak agendas for meetings which exclude the public for significant parts of each meeting
- limited transparency
- a failure to secure external funding for engaging the local community in the wildlife, landscape and heritage of this wonderful local asset
- a lack of forward planning, including a Management Plan that expired in 2012
- excessive charges for the hire of the rarely used Ecology Centre
- the lack of effective community representation on the Conservator body
- operation of Merton Council's responsibility for making appointments to the Conservators
- inadequate operation of the Conservator's education charity
- unclear breakdown of responsibilities of the Mitcham Common Manager whose services are procured from Merton Council.

Many of the changes that would make the Conservators a more outward looking and responsive body do not require alterations to primary legislation and Merton Council has direct responsibilities through its contribution to the Board and employment of the Mitcham Common staff. We ask Merton Council to question the value for money of its current financial contribution without an improved performance.

School run and travel plans - the adequacy of measures to address problems caused by the school run. Councillors regularly raise problems during discussions over school expansion but there is a lack of follow up monitoring or action. School travel plans are poorly prepared and rarely implemented. Given the anticipated growth in rolls and the development of new and expanded schools, the measures the Council needs to take to ensure traffic plans are robust and implemented requires scrutiny – Date Valley School and Cranmer School are just two examples in our local area.

Illegal flyparking – there is widespread flyparking abuse, including on some of the most sensitive sites in the borough. We have repeatedly reported problems of flyparking on Three Kings Piece where vehicles responsible can be clearly identified. It has highlighted a lacuna in responsibilities between different departments (Parking and Green Spaces) and a lack of willingness to enforce parking regulations, byelaws and Common Land legislation. The problems persist on a regular basis. There is regular pavement parking in Mitcham village centre.

Air quality – this is a growing issue with increasing evidence it is a major cause for concern in Mitcham. The results of surveys by both Mitcham Society and Mitcham Cricket Green Community & Heritage have shown pollution levels exceeding legal limits. Merton Council’s actions to address air pollution lend themselves to scrutiny, including the lack of publicly available information from local air quality monitoring.

8. We look forward to the response and contributing to the scrutiny process.