

Comments on Early Engagement for Kingston's Local Plan (the "local plan consultation")

Submitted by Caroline Shah, 31 July 2019

I believe that the local plan consultation for Kingston does not meet statutory requirements under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 Act (the "T&C Act") or provide a sound basis for residents to give informed and intelligent responses or to make the required representations on what a local plan with the subject given by the council should contain. On that basis, I believe that the Early Engagement process should be considered to have breached Regulation 18 of the T&C Act

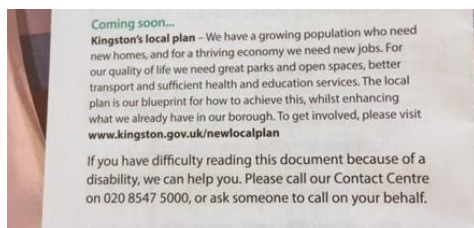
1. NOTIFICATION and ENGAGEMENT

National Planning Policy Framework 2019 guidance ("NPPF19" states under Part 3 (16) (c) that plans should "be shaped by early, proportionate and effective engagement between planmakers and communities"

I believe that this requirement has been breached. Notification of the consultation process has been inadequate and therefore the consultation process must be considered to be flawed

Publicity of the local plan consultation has been inadequate and the information provided has not given clarity as to the subject of the matter being considered as required by the T&C Act. I do not believe that the communications that happened below can be considered to represent effective "early" engagement with communities

The fact of a "local plan" was first "notified" to residents in advance on the back of the annual council tax leaflet in January 2019. How many people read the back of their council tax leaflet? How many people know what a "local plan" is without being told clearly. A local plan certainly is not about what it says on the back of the **council tax leaflet on the left**. The information was so opaque and general that nobody, had they seen it, would have known that the plan is to consider large scale development for housing across the Borough to increase the number of homes by 85% in 22 years and to provide for a huge amount of employment:



Notices on buses, advertising hoardings and on council noticeboards also failed to disclose the subject of the local plan. Why is there a picture of green space when the council is seeking to have power to build on the Green Belt and Metropolitan Open Land?

To the right is an advertising hoarding outside Foxtons in Kingston Town on 16 May 2019





Many noticeboards across the Borough, including Old Malden and Kingston Town, have contained no notice of any consultation at all. To the left is Kingston Town Centre Noticeboard on 25 June 2019

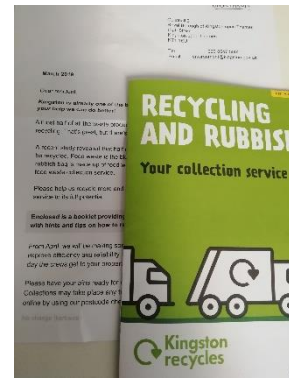
And Old Malden on the same date below. This is nearly two months into the consultation period.



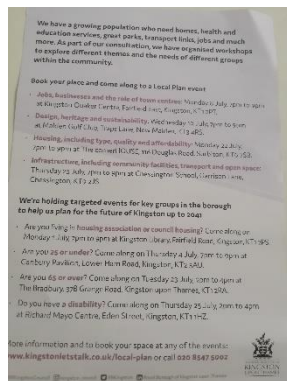
In March 2019, the council sent out a multi-sided leaflet and accompanying letter to every household in the Borough about refuse collection:

The main objective of the leaflet, which was made very clear through a series of pictures accompanied by text, was that residents should no longer leave dustbins on the

pavement or they will not be collected. I have to say many people still leave their bins on the pavement on bin day on my road for practical reasons and the bin men leave the bins there when they leave.



The two sided leaflet below that was eventually sent to at least some households on 29 June 2019, already two months in to the consultation and shortly before private schools broke up for holiday, does not actually say explicitly that it is about the local plan. It also provided no more meaningful detail about what the local plan is about or the importance and scale of the matters being consulted upon in the Local Plan and the objectives of the consultation.



What does “shape the future of the borough mean?” The words “we have a growing population” are meaningless. Our population is forecast to grow by 34,000 people in the period 2019 to 2041 according to the GLA dataset population projections and yet we are planning to build housing for around 140,000 people as well as provision for tens of thousands of jobs. Where is this mentioned?

Where is the “opportunity area” mentioned or the implications of getting or not getting CrossRail 2? Inviting people to come along and “plan for the future of Kingston” when massive housing and jobs targets have already been agreed is disingenuous at the very least and surely breaches the Gunning Principles of consultation? How can a housing association or council housing tenant know why they should go along to an event – what would be discussed? Perhaps the possible demolition of their home? Or an under 25 or an over 65

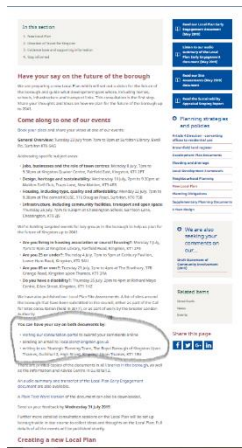
year old? Or someone with a disability? If this this a half hearted attempt to meet equalities legislation, it must surely must fail

Ability to Access Information

National Planning Policy Framework 2019 guidance (“NPPF19” states under Part 3 (16) (c) that plans should “be shaped by early, proportionate and effective engagement between planmakers and communities”

The council has made it very difficult to access all of the local plan consultation material for the Early Engagement process online. Engagement has therefore not been effective and the council must be considered in breach of NPPF19 Part 3 (16) (c)

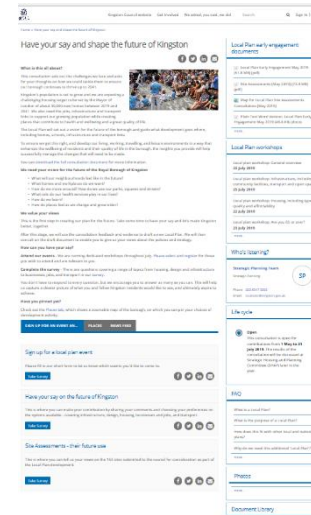
There is no direct link to the local plan consultation. When you type in Local Plan, you get taken to the page below. You have to view the page in extremely small font or scroll down to get to the link to the consultation portal where you need to sign in respond to the consultation



It is not possible to access the Evidence Base of documents through the local plan webpage so most residents will not have known of their existence

Many of the documents listed under the Evidence Base are out of date

The documents listed under the Evidence Base are not complete – the list does not include the Scoping Report for the Strategic Environmental Assessment or a local Strategic Housing Land Availability Assessment. There is also no Development Infrastructure Study. These missing documents – together with the ones on the



website - would provide critical information that would have helped residents have made informed and intelligent responses to the consultation which is about agreeing strategic priorities and developing strategic and non-strategic policies to guide development on a massive scale, and which residents have been hitherto told almost nothing by the council, across the Borough

When you do eventually reach the consultation “portal”, the consultation link is not clearly marked as such. It is marked as a “survey”

Length of Local Plan Consultation

The local plan consultation took place between 1 May 2019 and 31 July 2019. One month of this period is effectively the summer holidays as many children at private schools break up in very early July. This is not a sufficient amount of time for people to find, read, understand and respond to what comprises a massive amount of background information about a plan for development on the scale envisaged by the council, especially when the council has provided so little preliminary information about the plans itself

The Development Scenario Testing (“DST”) documents were not posted on the council’s website until the 28 May 2019. These critical documents were therefore only available to people for one or two months maximum. These documents demand forensic analysis and research to understand what they are telling you. This takes time. The DST documents give a much clearer idea than the “call for sites” of the council’s development intentions and the form, scale massing and location of possible future development in the borough

How many other evidence base documents were not available to the public from the beginning of the consultation process

2. SUBJECT OF LOCAL PLAN

The Local Plan consultation document does not meet the statutory requirements of the The T&C Act Regulation 18 (a) as it provides inaccurate inconsistent, and incomplete information as part of the description of the subject of the plan.

<https://kingstonletstalk.co.uk/local-plan>



The subject of the local plan as stated on the council’s website to the left mentions that the council has a housing target of about 30,000 new homes between 2019 and 2041. This is derived from our annual base target for the first 10 years of the planning period which is 1364 homes per annum. Based on the current occupancy rate in the Borough of 2.67 people per home, these new homes would house **80,000 new residents**.

However, the actual Early Engagement consultation document¹ says that “The number of people living in the borough of Kingston is set to increase **by nearly 34,000** between 2019 and 2041” and refers to the GLA 2016 population projections for its evidence.

In addition, the council and GLA have been planning for much higher growth than either of those contradictory figures. The draft new London Plan July 2019 and the Greater London Authority’s Strategic Housing Land Availability Assessment 2017 show that we will see many tens of thousand more additional homes as a result of being designated an “opportunity area” and as a result of plans to bring CrossRail 2 to Kingston. The Strategic Housing Land Availability Assessment has allocated an additional 16309 homes to Kingston with CrossRail 2 and a further 9000 homes minimum are already planned within the “opportunity area”

Respondents are invited through Regulation 18 (b) to “make representations about what a local plan of that subject ought to contain.”

Given the contradictory nature and inaccuracy of the subject presented to residents and the huge uncertainties that it raises, it is not possible for residents to make intelligent and informed representations about what “a local plan of that subject ought to contain” as required under Regulation 18(b) of the T&C Act

3. ADEQUACY of engagement with communities during consultation period

¹ https://www.kingston.gov.uk/downloads/download/986/local_plan_-_early_engagement_may_2019

National Planning Policy Framework 2019 guidance (“NPPF19”) states under Part 3 (16) (c) that plans should “be shaped by early, proportionate and effective engagement between planmakers and communities”

Given the vagueness of the subject matter promoted in advertisements about “shaping the future” of Kingston, the confusion as to what the subject of the local plan actually is and the lateness of the leaflet drop to households, combined with the significant scale and impact of the council’s development plans for the next 22 years for which the local plan will create strategic priorities and policies, I believe that the engagement that has taken place does not meet the statutory requirement of NPPF19 Part 3 (16) (c)

The council arranged some events that residents who fell into specific defined categories could attend during the consultation period. However, these events were in the last four weeks of the consultation in July 2019 after the summer holidays had begun.

One person I know who attended several consultation events wrote that: *“I was able to attend 3 of the "Local Plan" consultations which took place this past week at various locations in the Borough. Very interesting and reassuring to meet more likeminded people there. I do think our feelings are snowballing but there is still apparently a huge chunk of the population who seem to be completely unaware of what is planned”*

The engagement that has occurred with residents can not be considered “proportionate” with the scale of the proposed development that will occur in the local plan period. The local plan is therefore in breach of NPPF Part 3 (16) (c)

INCORRECT, INSUFFICIENT and INCONSISTENT INFORMATION to allow informed and intelligent responses - INACCURATE REPRESENTATIONS of facts

This fails the test of effective engagement as required by the NPPF19 and represents an inaccurate representation of facts

The document fails to describe the Borough in any meaningful way. Indeed, its description is woefully inadequate. The council could have used the Borough’s character study to give a brief outline of what is important and valuable in Kingston

The document does not give correct, consistent or sufficient information on the council’s development plans for the period in question, 2019-41. For example, growth in homes for the period is forecast at a base level of 13640 for first 10 years – which would result in total base growth of 30,008 homes over 22 years if targets do NOT rise in the second 12 year period (which is unlikely given circumstances)

In addition, Kingston council has agreed that an additional 16,309 units can be built on large sites in anticipation of CrossRail2 (SHLAA 2017) PLUS a minimum of 9000 homes within any area identified as an “opportunity area” during this period. Please note that the GLA confirmed at the Examination in Public of the London Plan session on “opportunity areas” that “opportunity area” homes targets are MINIMUM numbers. This makes a total MINIMUM of 55,317 new homes over 22 years. There are currently about 65,000 homes in the Borough according to the SHLAA

The council has a legal duty to plan to meet the “objectively-assessed need for housing” as reflected in NPPF19 11 (b). The GLA projects that Kingston’s population increase from 2019 to

2041 is 33,752 people. The SHMA2016 forecasts an increase in population between 2015 and 2035 of 14,348.

To accommodate 33,752 new residents, this would require – at the current occupancy rate of 2.67 people per home – a total of new **12,734 homes in 22 years**. This is far fewer than the minimum **55,317 homes being planned over the local plan period** that would accommodate **147,696 new residents**.

What will growth on this scale do to Kingston and were the people of Kingston consulted, and consulted properly, on whether we want to see growth on this scale and on its implications? I say not.

To meet Kingston’s housing NEED as projected by the GLA, the council would need to build 578 properties each year. The Strategic Housing Market Assessment 2016 does not give evidence for growth on the scale being forced on us our council and the Greater London Authority.

No discussion ever took place with residents about whether Kingston should deliver up to FIVE times the homes it actually needs, as well as tens of thousands of jobs.

The Economic Analysis Study 2014 of Kingston specifically recognises the “Borough’s spatial constraints” in Para8.

The Economics Analysis Study 2014 makes an objective, no interest statement about Kingston’s WEAK transport links, and other significant barriers to development:

It states in 4.10 that **“Kingston’s proximity to nearby centres such as Wimbledon and Richmond that offer better, more convenient transport links and connections (particularly to Central London) ...Traffic and congestion issues, as well as relatively poor parking provision in parts of the Borough....and geographical and structural constraints associated with the Thames and key transport routes.”**

The GLA’s statement dated 31 July 2019 in its response to the local plan consultation that “The draft new London Plan (Policy SD1) notes that the Royal Borough of Kingston upon Thames’s network of town centres with their **good levels of public transport accessibility are areas capable of accommodating development and intensification**” is NOT evidence based. It is an inaccurate representation of the facts

CrossRail 2 may never come and there is no evidence of the sustainability of the scale of the development plans being forced on Kingston at this time

4. No Real Alternatives

The local plan consultation document presents no alternatives. We are presented with a scenario where we are told we need to deliver a vast number of new homes and jobs with no evidence of local need for the homes or jobs

In order to build those homes, especially if the GLA is now stating in their letter to Kingston council dated 31 July 2019 that they will not allow building on the Green Belt and Metropolitan Open Land, will have to be on large sites and small sites outside those areas.

The size of the targets is the problem. This scale of growth can not be sustainable in the Borough given its character, history, demographics and natural and historical environment

Where is the option to say NO to this proposal? Where is the option to say NO to becoming an “opportunity area” or multiple “opportunity areas”?

5. CROSSRAIL 2

There is no certainty that Kingston will get CrossRail 2. It will not come in the next 15 years that are covered by this Local Plan. Therefore no development associated with perceived benefits that will come from CrossRail 2 should be happening. They can not be considered justified, evidenced or sustainable

6. Other INFRASTRUCTURE improvements

It is not clear what the benefit is of relocating Kingston Station and putting a four lane highway through the centre of Kingston when pollution levels in Kingston are already some of the highest in London. It appears that the only benefit would be to allow the Station Area to be redeveloped at great height and density. I do not believe this is appropriate for Kingston and it would adversely affect the neighbourhoods of predominantly Victorian properties in Canbury Ward adjacent to this area as well as views over Kingston from Richmond Park

7. WHAT A LOCAL PLAN WITH THIS SUBJECT SHOULD CONTAIN

I will say what I believe Kingston’s Local Plan should contain. I can not relate it to the description given at the beginning of the Local Plan consultation document as that does not reflect a true and accurate picture of the situation

The following strategic priorities should be embedded in strategic policies in the Local Plan when planning to meet objectively-assessed housing needs and the development of land in line with statutory requirements:

- A policy that ensures that unrealistically high development targets does not undermine sustainable development in Kingston. This is a key requirement of the Planning and Compulsory Purchase Act 2000 39 (2)
- It should be a strategic priority to ensure that the imperative to develop fast to meet unrealistically elevated targets will cause irreparable damage to the Borough and to the health and well-being of its residents and other people who work and visit the Borough people. The fact that the council is currently suffering a lack of resources in its planning department and severe financial problems, as well as the fact that it is simultaneously embarking on a massive commercial property acquisition programme raises further concerns in this regard
- Given the council’s current failure to deliver its housing targets, it is important that the council has a strategic priority to identify what is special across the Borough and what would be considered an “adverse” impact in terms of development schemes coming forward so the council is still able to reject inappropriate and harmful proposals under relevant legislation
- Conserving and enhancing the natural and built historical environment of Kingston
- Identifying, assessing, understanding and protecting habitats and protecting and enhancing biodiversity across the Borough
- Identifying, assessing, understanding and protecting the Borough’s heritage and character, its communities and distinct and varied existing neighbourhoods. Kingston has

a rich and long history and a strong sense of place in its different communities. It should be a strategic priority to protect and enhance this sense of place in line with draft new London Plan 127 (d). Similarly, it should be a strategic priority to ensure that all new development is sympathetic to the local character and history of a place, including the built environment and the landscape setting as set out in draft new London Plan para. 127 C. The Borough should reinstate the conservation officer

- Reducing what are unacceptably high pollution levels across the Borough. Pollution can have a terrible effect on health, living conditions, the natural environment and the potential sensitivity of a site. Protection offered by policy should extend to a policy that will result in the refusal of planning applications that result in any increase in pollution levels, especially in Kingston Town and near the A3 at Malden where pollution levels are already two of the highest in London. Nearly half of nitrate pollution in Kingston Town is caused by buses and yet the council is talking about using buses to provide infrastructure improvements to support development in advance of the arrival of CrossRail2. This is unrealistic in Kingston where the roads are narrow and narrower with the GoCycle route, and congestion already bad
- Relating development to infrastructure improvements. This policy should refuse developments that do not bring a sustainable increase in availability of transport and improvement in the transport network as well as no increase in air quality pollution from additional road congestion
- There should be no more towers in the Borough as they are not in keeping with the character and sense of place that exists in Kingston and the surrounding areas. Any buildings over 5 storeys that are built within 1km of Richmond Park, Wimbledon Common, the River Thames or in any protected view should be consulted on with the relevant council
- There should be a design code and guide for Kingston in the formation of which residents are involved
- Ensuring that the needs of local people currently living in the area who need housing are those that we seek to meet and that we seek evidence that we are meeting this goal. The priority should be building social rented homes. Homes for private ownership should not be marketed abroad for 12 months at least following completion
- Ensuring that CIL levies on developers are sufficient to support the strategic policies that are needed to support the strategic priorities of the council as expressed by residents and other stakeholders. To ensure that developers are not able to back out of their obligations
- Ensuring that developers do not change what they have committed to deliver between the granting of planning permission and completion
- Protecting the wider area, especially relating to the duty to identify and co-operate on strategic matters as outlined in the NPPF 24 and 25. I believe we need to have a statement of common ground with Richmond and Merton councils in particular about strategic priorities for the protection and enhancement of Richmond Park, Bushy Park and Wimbledon Common, and the same for any other valuable sites and areas that surround Kingston. The policy should involve cooperation with any authority within 15 km of a development activity that may affect them
- Provision of community facilities such as schools and hospitals and doctors' surgeries should be a strategic priority in policy terms as existing facilities are already under great strain
- Provision for employment should be for local use, not targeted at international companies
- SILs should be protected from mass redevelopment

I believe that we should NOT have policies that allow:

- Formation of an opportunity area in Kingston
- Build housing in excess of our local need without a statement of common ground with other neighbouring authorities
- Increased density on large sites in anticipation of the arrival of CrossRail 2
- More student accommodation

8. THE “OPPORTUNITY AREA” and GROWTH PLANS FLAWED

I believe the whole process by which opportunity area status and large site growth plans for the Borough have been arrived at is flawed and why I believe therefore that this plan should be withdrawn.

I have sent my evidence for this assertion as a separate file: **EvidenceBaseFinal28July19**

I believe that Local Plan should not contain any policies for an “opportunity area” in Kingston as there has been no consultation on whether the residents of Kingston and other stakeholders in the Borough wish the Borough to become an “opportunity area” in the first place. I do not believe that I have the knowledge to say where an “opportunity area” that I know nothing about should be. What are the criteria by which the council has suggested the “opportunity area” boundary? What will it mean for the places that end up within it and outside of it? We are not told

It is not clear what the process is for being designated an “opportunity area” or the democratic process for designating an area as such, nor how that process has been democratically applied in Kingston.

It is not at all clear how many “opportunity areas” there are proposed for Kingston and what the implications of such a designation are for each of the areas so designated. Information is inadequate and unclear as is the process by which the “opportunity area” or “opportunity areas” are being established.

For example, it is not stated anywhere in the document that the Local Plan process is being used to help create an “opportunity area” for the Borough. The whole process of establishing an “opportunity area” or “opportunity areas” or “areas of opportunity” in the Borough remains unclear. Indeed, there is a complete lack of mention of the process of establishing the “opportunity area” or its “boundary” in the Local Plan document

Mark Lumley, Assistant Director of Digital and IT services at Kingston Council confirmed on 2 May 2019 that the Council (either independently or with the GLA) has not produced an Opportunity Area Planning Framework....This is because the relevant policies relating to the Opportunity Area designation will be included in Kingston’s new Local Plan, not as a separate document”

The GLA also recently confirmed in writing that the “opportunity area planning framework” process – a nebulous process used to establish “opportunity areas” and which is largely therefore hidden from view – is being taken forward in the Local Plan process². However, the facts remain extremely confused:

² Email from Darren Richards, Growth Strategies Manager GLA

“It is this Local Plan that will guide the location and form of new development and set the boundary for the opportunity area. The Mayor is not proposing to prepare an Opportunity Area Planning Framework for Kingston *currently*, as he is content for the borough to bring forward *proposals* through the new Local Plan.”

What does this all mean? What are the relevant “policies” relating to an “opportunity area” or multiple “opportunity areas” that are being included in the Local Plan. The implications of becoming an “opportunity area” for Kingston are not explained in the Early Engagement document, nor has any considered analysis taken place of the appropriateness of such a designation being given to the Borough. How can residents answer any questions about an “opportunity area” or the boundary for any such area without understanding first what it will mean for the Borough? Please see Just Space’s comments on “opportunity areas” below³ and their submission to the Examination in Public of the London Plan (“EiP”) session on “opportunity areas”⁴

Is it one “opportunity area” or are there many of them? What has happened to the “Kingston Town opportunity area” or indeed the “Kingston opportunity area” or “The Station Quarter” or the “areas of opportunity”? All of these were mentioned in the Direction of Travel document which appears to have been used as the basis of establishing Kingston as an “opportunity area”.⁵

What will the difference be in terms of what is built on a large site and a similar site in an “opportunity area”? The DSTs refers to the Mayor’s Housing SPG Paragraph 7.5.8 where it is stated that “densities in opportunity areas and on other large sites may exceed the relevant density range in 1.3.2 of the London Plan”.

It seems that it is large site development in general that is going to cause the mass destruction of our Borough. Why did the council put forward so many sites to inform our London Plan housing targets? There was no mandate from residents to do so and residents had no idea of the scale of development being planned across the Borough.

The actual basis on which Kingston’s housing targets have been established in the SHLAA using the DSTs remains completely unclear. Vague references to “infrastructure capacity” and “regard to local character” in the DSTs do nothing to explain the specific criteria that were used to calculate Kingston’s large sites targets, with and without “opportunity area” status and with and without “CrossRail 2.

Given the July 2019 version of the draft new London Plan has now deferred the possible arrival date of CrossRail 2 in to Kingston to the 2030s from 2033, and given oblique references in other documents, it appears that the Council will be relying on many more buses on already and increasingly congested roads to provide the transport infrastructure needed for a massively increased population to get around

In this context, it should be borne in mind that much of Kingston Town is already an Air Quality Focus Area – this is very bad - with buses currently contributing 46% of total nitrogen dioxide particulates on Kingston Bridge, Kingston Street, Wheatfield Road, Kingston Hall Road and the

³ <https://justspace.org.uk/next-london-plan/opportunity-areas/>

⁴ <https://justspacelondon.files.wordpress.com/2018/12/m14-js-opportunity-areas1.pdf>

⁵ <https://moderngov.kingston.gov.uk/documents/s79536/Annex%201%20-%20Issues%20and%20Options.pdf>

“The Opportunity Area designation follows on from our Direction of Travel Document (2016), that we jointly prepared with the Mayor of London. See Draft New London Plan Policy SD1 and the Section on Crossrail 2 South.”

London Road (Kingston Sustainability Appraisal Scoping Report 2017). The A3 Kingston by-pass also has a similar designation, along with Worcester Park Central Road.

The Scoping Study says: “An increase in impermeable surface areas associated with development in the Borough has the potential to negatively affect surface water body quality by increasing surface water run-off”

The lack of clarity and confusion makes it impossible for residents to consider intelligently the information before them about which they are asked to make judgements or to give an informed and intelligent response to the consultation

9. SITES

I do not believe I do not have enough information or knowledge to say which sites should be developed on and which not. The problem I believe is that the scale of development being imposed on the us is so great that, wherever the development ends up, it is going to be of such a scale and form that it will cause irreparable damage to the existing neighbourhood it is in or sits just beyond, to that neighbourhood’s communities and to the historic and natural environment. The scale of development envisaged will also put a huge strain on community facilities that are already stretched and on the Borough’s already severely limited green spaces. If you took away the areas of green space in North of the Borough that are in Richmond or Merton, you would find that there really aren’t many places for people to go in Kingston

10. RESOURCES

Paragraph S19 b) of the Planning and Compulsory Purchases Act says authorities must assess if the resources are likely to be available for implementing the proposals in the document. Given Kingston council’s current financial situation, the lack of resources in the planning department, and its focus on developing an interest in commercial property as well as the severity of the situation with its SEND activities and other areas of its business, I believe that the ability to meet this requirement is questionable