

The Predetermined Path to Massive Growth in Kingston

Date and Body	Key Points
<p>27/03/2014¹</p> <p>Place and Sustainability Committee</p>	<p>Minutes of meeting indicate that:</p> <ul style="list-style-type: none"> • “the Council would make a case for the designation of Kingston Town Centre as either an Opportunity Area or an Area of Intensification” • (whilst supporting the regional Crossrail 2 proposals) <i>there should be no requirement for large scale development within the Borough to fund the initiative</i>” <p>The Report to Committee states:</p> <ul style="list-style-type: none"> • “The Further Alterations to the London Plan² (“FALP”) identifies a number of Opportunity Areas and Areas for Intensification...Kingston Town Centre is not identified within either category”
<p>22/01/2015</p> <p>Inaugural meeting of Strategic Growth Board (“SGB”)</p>	<p>The Strategic Growth Board met for the first time before it had been officially formed. Evidence is from the Report and Minutes of the meeting of the Infrastructure, Projects and Contracts Committee (“IPCC”)³ on 24/3/15 which state that:</p> <ul style="list-style-type: none"> • “An inaugural meeting of the Strategic Growth Board covering the Kingston Opportunity Area has taken place” • “Work to date 6. In anticipation of a successful bid to secure recognition for the potential for an Opportunity Area in Kingston, senior RBK officers have held meetings with the GLA and TfL. These discussions have focused on establishing the principle and working relationship/governance to support the development of the Opportunity Area. 7. This process culminated in the establishment and inaugural meeting of the Strategic Growth Board to oversee the Kingston Opportunity Area on 22nd January 2015. 8. At this meeting the proposed Opportunity Area Boundary was also considered and provisionally approved as at Appendix 1. In addition, the meeting also agreed the supporting Boards (and supporting officers groups) Terms of Reference⁴ and governance arrangements • The council never formally explored and agreed to discard the possibility that Kingston Town Centre should adopt the status

¹ <https://moderngov.kingston.gov.uk/ieListDocuments.aspx?Cid=491&Mid=7140>

² <https://www.london.gov.uk/what-we-do/planning/london-plan/past-versions-and-alterations-london-plan/further-alterations-london>

³ <https://moderngov.kingston.gov.uk/ieListDocuments.aspx?Cid=573&Mid=7452>

⁴ https://moderngov.kingston.gov.uk/documents/s56838/Opportunity%20Area_IPCC%20Report_24.03.15_Appendix%20Terms%20of%20Reference_Governance.pdf

	of an “area of intensification” or indeed to consider the possibility that Kingston Town Centre should not assume with status as an “opportunity area” or an “area of intensification”
09/02/2015 All-in-One Council General Survey ⁵ ran from 17/10/14 to 21/11/14	The survey included one small section on growth, Section 5.6. This section included two main generic questions, whether Kingston should “embrace growth” or “resist growth” and gave space for residents to give their own opinions in “no more than 15 words” ⁶ The responses have been cited repeatedly by the Council as the basis for their “mandate” to pursue their aggressive growth agenda ⁷ A proper consultation should have occurred that was proportionate to the scope of the growth plans envisaged by the Council and which should have followed the Gunning principles ⁸ of consultation
24/03/2015 Infrastructure, Planning and Contracts Committee ³ above	Terms of reference ⁹ for the Strategic Growth Board (the “SGB”) and associated officer boards were approved ¹⁰ . The IPCC did not have authority to approve Terms of Reference for the SGB or associated officer boards, nor to appoint named councillors to the Strategic Growth Board and named officers to the other established entities. The decision of the IPCC to establish a Strategic Growth Board to carry forward plans with the GLA and TfL was never ratified by Full Council Neither the IPCC - nor indeed the Full Council – ever gave the Strategic Growth Board the authority to pursue a growth strategy with the GLA and TfL that would include multiple areas of land for mass development within one or several Opportunity Areas which is what the SGB did. In addition, the terms of reference of the SGB and Officer Boards do not ever appear to have been extended to give them the authority to pursue such a course of action

⁵ https://www.kingston.gov.uk/info/200346/all_in_one_-_borough_survey_2014

⁶ “Figure 44: How far do you agree or disagree that we should:

Embrace growth: To maintain our position in London as a place where people want to live, work and study we should work with developers to shape the type of development that takes place in the borough Focus new house building in a few key growth areas such as Kingston town centre, Tolworth and New Malden

Resist growth: Whilst recognising that we have limited powers to stop developers, we should do what we can to resist development in the borough”

⁷ “Conclusion 6: There is a clear desire to see growth in the borough and a strong suggestion that residents expect any growth to improve their lives in the borough”

⁸ The Gunning Principles: <https://www.local.gov.uk/sites/default/files/documents/The%20Gunning%20Principles.pdf>

⁹ https://moderngov.kingston.gov.uk/documents/s56838/Opportunity%20Area_IPCC%20Report_24.03.15_Appendix%20Terms%20of%20Reference_Governance.pdf

¹⁰ <https://moderngov.kingston.gov.uk/documents/g7461/Public%20reports%20pack%20Tuesday%2024-Mar-2015%2019.30%20Infrastructure%20Projects%20and%20Contracts%20Committee.pdf?T=10>

	<p>Article 4.02 of the Council’s former Constitution which is now Part 3A 1 (d) of the 2019 updated Constitution¹¹ clearly states that only the Full Council will:</p> <ul style="list-style-type: none"> • “d. agree or amend the terms of reference for Panels, Committees etc, deciding on their composition and making appointments to them” <p>The IPCC gave the SGB authority to work on the “preparation of an Opportunity Area Planning Framework and Development, Infrastructure and Funding Study and Transport Study in collaboration with the GLA and TfL”, specifically and exclusively for a “Kingston Town Opportunity Area”</p> <p>The draft boundaries of a possible Opportunity Area in Kingston Town that was called the Kingston Town Opportunity Area were approved at the committee. The Committee refused to allow representation from residents or opposition councillors on the SGB</p> <p>Minutes confirm that the head of the IPCC agreed to keep the opposition members informed of the progress of plans being developed with the Strategic Growth Board and that full consultation would follow:</p> <p>“The Lead Member will however continue to keep the opposition spokesperson abreast of developments and the supplementary planning documents will be subject to the full consultation process”</p> <p>A councillor confirmed to me in writing that no information was received about the progress being made on the council’s growth plans until early summer 2016¹²</p>
24/4/2015 ¹³	<p>Meeting of the “Opportunity Area Strategic Board” (the “OASB”) takes place at the offices of Kingston Council with Sir Edward Lister, deputy Mayor of GLA. The OASB is not a board that has any terms of reference or membership from Kingston Council.</p> <p>In the “Planning Policy Brief”⁶ attached to the minutes of this date, it is assumed that the OASB is working on creating an “Opportunity Area” in Kingston Town Centre, despite the fact that they have no mandate to do so by any committee of the Council</p>

¹¹ <https://modern.gov.kingston.gov.uk/documents/s82949/Part3AResponsibilityforFunctions1March2019.pdf>

¹² Email to Caroline Shah from Cllr Bill Brisbane dated 06/12/16

¹³ https://www.london.gov.uk/sites/default/files/mgla251016-0839_-_attachment.pdf

	<p>and no residents or residents' representatives outside of the OASB are aware of the discussions. The "opportunity area" is referred to in a vague and undefined way that makes the OASB's intentions unclear</p> <p>There is a section on "OAPF progress" – Opportunity Area Planning Framework progress, which is odd given no decision had been made as to whether anywhere in Kingston should be an "opportunity area" or "area of intensification" at this time</p>
24/4/2015	Planning Policy Brief discussed at OASB. Agree need to create a "local policy hook" for an Opportunity Area in Kingston Town Centre
25/06/2015 Infrastructure, Planning and Contracts Committee ¹⁴	<p>In relation to the need for growth in Kingston, officers state in the report to committee in section E3: The Need for a new Borough-wide Local Plan:</p> <ul style="list-style-type: none"> • "17. The diagram shows that the Kingston Opportunity Area Plan will progress over the next 18 months to assess the scale of development that could be accommodated within the area. The plan will be "adopted" by the Council as a non-statutory document that identifies options for the delivery of growth , informing the London Plan Direction of Travel document and also presenting an option(s) for the Borough Local Plan Issues and Options Consultation" <p>The Kingston "Opportunity Area Plan" appears never to have been created, was never "publicised" in any way, and preparation of a "Direction of Travel document" was not communicated to residents apart from in this committee paper which was hidden away on the Council's website</p> <p>The council claims on Page E3 point 10. that it has a mandate for its growth plans:</p> <p>"The Council's All-In-One Survey demonstrates a clear positive attitude amongst residents towards future growth and development with 68% of respondents considering Kingston should embrace growth and work with developers to maintain its position in London as a place where people want to live, work and study"</p> <p>On Page E2, Point 1, it is stated that councils have a "statutory duty to publicise the planning policy documents they intend to prepare"</p>
10/07/2015	GLA decision ¹⁵ to spend £67,000 on "OAPF work" including in Kingston
26/8/2015	GLA decision ¹⁶ to spend £25,000 on "specialist graphics, desktop publishing and printing costs for the Kingston Town OAPF project"

¹⁴ <https://moderngov.kingston.gov.uk/ieListDocuments.aspx?Cld=573&MId=7674>

¹⁵ DD1359: https://www.london.gov.uk/sites/default/files/gla_migrate_files_destination/DD1359%20OAPF%20%28signed%29%20PDF.pdf

¹⁶ ADD340: <https://www.london.gov.uk/decisions/add340-kingston-town-centre-oapf-area-action-plan-aap-consultancy>

<p>29/9/2015 Meeting of "OASB"¹¹ above</p>	<p>"Counsel's conference took place on 15/9/15." Minutes state that the document being prepared – <i>the purpose of which is not clarified</i> - should be called "the Kingston Opportunity Area Plan", that it should be a statutory Development Management Document ("DPD") and that it will require a full evidence base. They state that they wish to progress it in most "effective" way to have "material planning weight when considering planning applications". Council and GLA refuse to publish counsel's advice under FOIA¹⁷ request and deny that either the advice sought or the advice received exists in writing</p>
<p>7/10/2015 Statement by Council leader on Kingston Council's website</p>	<p>Councillor Kevin Davis, the then Leader of Kingston Council, claimed in a comment formally published on the Council's website on 7/10/15 that the</p> <ul style="list-style-type: none"> • "vast majority of Kingston residents support an "ambitious growth agenda" <p>This statement is not correct as the total response rate to the All-In-One survey was only 7.1%¹⁸, which is a small minority of residents.</p> <p>Given the population of Kingston had grown considerably since October 2011, the denominator should in fact be a larger number, which would give a smaller percentage result than 7.1%.</p>
<p>22/10/15 Response to FOIA request relating to a "mandate" for growth</p>	<p>FOI Act Request CAS-756481¹⁹ asked for the quantitative basis on which Councillor Kevin Davis, the then Leader of Kingston Council, claimed in a comment formally published on the Council's website on 7/10/15 that the "vast majority of Kingston residents support an "ambitious growth agenda"</p>
<p>London Plan 2016</p>	<p>The following reference is made to Kingston: "A1.4 The Mayor is working with boroughs and other partners to identify, assess and realise the potential for new Opportunity and Intensification Areas in terms of Policy 2.13 including in the London boroughs of Haringey (Haringey Heartlands), Sutton (Sutton Hospital), and Hounslow (Great West Corridor including the 'Golden Mile') and in the Royal Borough of Kingston upon Thames (Kingston Town Centre)."</p>
<p>28/01/2016 OASB report (from GLA website response to Freedom</p>	<p>"Opportunity area" map for Kingston dated 29 June 2015²⁰ shows that the area agreed by the IPCC in March 2015 has been extended across Kingston Cemetery and a wide infill area. This has been done without any council approval</p> <p>Meeting Notes:</p>

¹⁷ <https://www.whatdotheyknow.com/request/375607/response/917631/attach/3/FOI%20CAS%201046799.pdf>

¹⁸ The number of residents who responded to the survey, 9227, divided by the 2011 adult population of the Borough according to the Census figure given in the Survey, which was 129,790

¹⁹ <https://www.whatdotheyknow.com/request/296203/response/723755/attach/2/FOI%20response%20CAS%20756481.pdf>

of Information Act request) ²⁰	<ul style="list-style-type: none"> • “We need to look at widening the scope of the Opportunity Area, with other areas coming forward” • “We need to broaden the scope of the document to look at opportunities for growth across the Borough” • Slide shows hierarchy of planning documents: “Direction of Travel”, “Kingston Opportunity Area Plan”, “Local Plan” <p>The sections “next steps” also remarks that: “Kingston CrossRail2 and OAPF to look across the Borough at what can be used as a Direction of Travel document, local plan and OAPF.”</p> <p>No committee of Kingston Council ever expanded the Terms of Reference of the SGB (assuming that this is what the OASB is) to give it authority either before or after this date to start “widening the scope of the Opportunity Area” or determining which areas “across the Borough” could be used as a Direction of Travel document</p>
17/3/2016 Growth Committee	<ul style="list-style-type: none"> • On Page B17, Paragraph 9 of the report to Committee: “Kingston Futures is leading on a number of regeneration initiatives across the Borough aimed principally on brownfield land, including the Kingston Opportunity Area. This area extends beyond Kingston Town Centre. However, it is unlikely that the Opportunity Area will deliver all the necessary growth required by the London Plan and further strategies will be needed for other parts of the Borough. The council needs to prepare a statutory Local Plan that is consistent with and enables its growth ambitions” <p>It is stated in the OASB that they have agreed to “merge the Local Plan and the OAPF”</p>
12/4/2016 GLA decision document about "expansion" of Opportunity Area Planning Framework for Kingston	<p>Decision to spend a further £3,021 for a consultant to produce the Kingston Opportunity Area Plan²¹</p> <p>The document states that “The Kingston Town Centre Opportunity Area Planning Framework (OAPF/Area Action Plan) is a joint project being undertaken with the Royal Borough of Kingston upon Thames”</p> <p>Point 1.3: “During the project and following consultation with RBK and TfL, it was decided to expand the scope of the document to include opportunities for growth around the 10 proposed CrossRail2 station”</p>
11/5/2016	The GLA refer to the “Opportunity Area Planning Framework” for Kingston as “The “Kingston Opportunity Area Direction of Travel”

²⁰ https://www.london.gov.uk/sites/default/files/mgla251016-0839_-_attachment.pdf

²¹ ADD 414: <https://www.london.gov.uk/decisions/add414-kingston-town-centre-oapfarea-action-plan-contract-extension>

<p>GLA Website DD1506²² “OAPFs for the Royal Docks and Kingston”</p>	<p>Point 1.1 also states that: “Both areas are anticipated to have significant growth over the next 10-15 years which will be accelerated by the introduction of Crossrail and Crossrail 2”</p>
<p>23/06/2016 Growth Committee²³</p>	<p>A draft of a document, called “The Direction of Travel” (The “DofT”) was discussed and put out to consultation.</p> <p>The draft DofT document is unsound, unclear and not fit for purpose. It appears from GLA documents that the DofT IS an “Opportunity Area Planning Framework” for Kingston</p> <p>The practical purposes for which the document was to be used were not laid out. It was not stated that this document would be used as the basis for Borough and GLA support for widespread large site development throughout the borough, for establishing housing targets in the Strategic Housing Land Availability Assessment 2017, or for the designation of Kingston as an opportunity area” status; nor was the link between CrossRail 2 and the form and scale of development in Kingston made clear</p> <p>The audio recording of the Committee meeting²⁴ also reveals the stubborn reluctance of both council officers and councillors to agree to the definition of an “Opportunity Area” or to clarify if, and how many, such Opportunity Areas were being planned for Kingston Borough. This appears to reflect deliberate obfuscation by the council in order to push through a plan for consultation that residents were correctly challenging and on which we were legitimately requesting clarification</p> <p>The minutes of the meeting do not give a complete and true account of the proceedings as can be followed on the audio recording of the meeting and therefore fail to provide an effective mechanism for verifying the legitimacy of the decisions made at the committee</p>
<p>24/6/2016- 29/08/2016</p>	<p>Public consultation on draft Direction of Travel document</p>
<p>13/10/2016 Growth Committee</p>	<p>Eight people approved the final version of The Direction of Travel document²⁵. The document was vague and unclear and had no stated objectives</p>

²² <https://www.london.gov.uk/decisions/dd1506-oapfs-royal-docks-and-kingston>

²³ <https://moderngov.kingston.gov.uk/ieListDocuments.aspx?CId=610&MId=8059&Ver=4>

²⁴ <https://soundcloud.com/kingstoncouncil/9-june-2016-growth-committee>

²⁵ <https://moderngov.kingston.gov.uk/ieListDocuments.aspx?CId=610&MId=8153&Ver=4>

	<p>The document still gave no specific information on sites that would be considered for development or the quantum of development being planned across the Borough</p> <p>The council had made almost no changes to the original draft document, and absolutely no changes that showed that it had conscientiously taken in to account any of the many substantive issues raised by respondents, even by those bodies with whom the council has a statutory duty to consult.</p> <p>It appears that the document has no legal status, providing “supplementary planning ADVICE” to London Plan policies. This is not an officially recognised term used by the Greater London Authority in the London Plan</p> <p>The DoT, “consulted” upon over the summer holidays, received 219 responses out of a Borough population of approximately 167,000 people. The number of responses includes those received from statutory consultees</p> <p>The document was to be used by the Council as evidence to the GLA of the Council and its residents’ support for significantly increased growth with CrossRail 2 (“CR2”) but did not clarify the basis which this could and would happen</p> <p>The document gave no definition of an “opportunity area” or “Opportunity Area” or “area of opportunity” or of how these would be applied in Royal Kingston and did not apply terms consistently or with clarity. It did not clearly explain the links between large site development, other types of development, “opportunity” area status of any kind and the consequences on development targets for the Borough of getting CR2</p> <p>Appendix A gives a timeline and analysis of the Council’s decision-making process for the DoT</p> <p>The status of the DoT has never been made clear and the purpose for which it was to be used has never been made clear to residents.</p> <p>The 2015/16 annual report is equally vague about the purpose to which the DoT was to be used and about the scale of development plans in Kingston²⁶</p>
Friday 14 th or	Kingston Council submits the DoT, approved by the Growth Committee on 13 October 2016, immediately to the GLA for “adoption”

²⁶ https://www.kingston.gov.uk/downloads/download/163/annual_report

<p>Monday 17th October 2016</p>	<p>(meaning not clarified). According to the Minutes of the council meeting²⁷, the Council’s decision should have been open to challenge by residents during a “call-in” period until 9th November 2016</p> <p>The <i>minutes</i>²⁷ of the meeting do not give a complete and true account of the proceedings as can be listened to on the audio recording of the meeting²⁸ and therefore fail to provide an effective mechanism for verifying the legitimacy of the decisions made at the committee</p>
<p>17/10/ 16</p> <p>GLA “adoption”²⁹ of Direction of Travel</p>	<p>Date on which the Mayor purportedly “adopted” the DofT. There is no evidence that this happened, or of its significance</p> <p>No minutes of the meeting exist. There is no record of who attended the meeting</p> <p>The DofT is the only document that the GLA can have used to support its the designation of “Kingston” as an “opportunity area” in the draft new London Plan and to justify pursuit of massive development on large sites across the Borough</p>
<p>18/10/16</p>	<p>Full Council (Kingston) approves the – incredibly short - Report of the Growth Committee of 13/10/16³⁰ <i>regarding the DofT</i> as an URGENT ITEM authorised by the Mayor as, according to Standing Order 9 (2): “The Growth Committee had met after the publication of the agenda for the Council meeting and therefore the report of its meeting had to be circulated as late business.”³¹</p> <p>The Council approved the DofT after the date on which it had purportedly been adopted by the Mayor.</p> <p>The item on the DofT in the Late Material³² does not mention using the DofT to establish huge large site development targets for Kingston in the London Plan, or the “opportunity areas”. It is completely vague.³³</p>

²⁷ <https://moderngov.kingston.gov.uk/documents/g8162/Printed%20minutes%20Thursday%2013-Oct-2016%2019.30%20Growth%20Committee.pdf?T=1>

²⁸ <https://soundcloud.com/kingstoncouncil/13-october-2016-growth-committee>

²⁹ The term “adoption” is not defined and never clarified

³⁰ Report of the Growth Committee - 13 October 2016 Appendix G “The report of the Committee was received. Voting – unanimous”

³¹ <https://moderngov.kingston.gov.uk/documents/g8103/Printed%20minutes%20Tuesday%2018-Oct-2016%2020.00%20Council.pdf?T=1>

³² <https://moderngov.kingston.gov.uk/documents/b15503/Late%20Material%20Tuesday%2018-Oct-2016%2020.00%20Council.pdf?T=9>

³³ “Direction of Travel – The Committee formally adopted the Direction of Travel which will play a key role in the production of the Local Plan subject to its adoption by the Mayor for London. Once adopted by the Greater London Authority, it will provide supplementary planning advice to the London Plan policies by supporting the selective redevelopment of areas within the borough in order to provide new homes, jobs and investment.”

<p>19/10/2016 GLA funding decision ADD2026³⁴</p>	<p>The GLA approves additional funding for the “Kingston OAPF” to be extended across the Borough</p> <p>“That the Assistant Director approves:</p> <ul style="list-style-type: none"> • The receipt of £13,389 from the Royal Borough of Kingston upon Thames as a contribution to the cost of the development capacity study work relating to Kingston Town Centre. • An exemption from the Contracts and Funding Code to allow the direct appointment of We Made That to carry out the development capacity study work.” <p>The GLA states that it “consulted with the Royal Borough of Kingston upon Thames before deciding to expand the scope of the OAPF to include opportunities for growth around the 10 proposed CrossRail2 stations in the Borough”</p> <p><i>There is no written evidence or record of any kind of any such consultation taking place. What does “consultation with The Royal Borough of Kingston upon Thames” mean? With whom specifically did the GLA consult, and what authority did such people or such bodies have to agree to “expand the scope” of the Opportunity Area Planning Framework?</i></p>
<p>19/10/2016 ADD2026</p>	<p>The creation of an OAPF for Kingston is clearly mentioned as something that is in the process of happening and of which the DoT forms a part</p> <p>“a) Key risks and issues</p> <p>4.1 If the financial support is not provided to this opportunity area, there is a risk that the OAPF and accompanying development capacity study will not be completed or will not be completed within the required timeframes. This would undermine the Mayor’s growth agenda set out in the London Plan 2016 (consolidated with alterations since 2011).</p> <p>b) links to Mayoral strategic and priorities</p> <p>4.2 The specialist development capacity, graphics and design consultant will assist in the production of the OAPF. OAPFs are supplementary to the London Plan and bring together the Mayoral priorities for housing, economic development, development, transport and the environment. Realising the development potential of Opportunity Areas is a Mayoral Priority, and OAPFs bring together strategic and local stakeholders to deliver an area-wide spatial planning framework in accordance with Government policy, as set out in the National Planning Policy Framework (NPPF)</p>

³⁴ ADD2026 Point 1.3 - <https://www.london.gov.uk/decisions/add2026-kingston-town-centre-oapf>

	<p>c) Impact assessments and consultations</p> <p>4.3 OAPFs are subject to public consultation, and equality and environmental assessments.</p> <p>4.4 The need for this service is immediate</p>
23 November 2016 – 20 January 2017	<p>A public consultation on Strategic Land Availability Assessment (“SHLAA”) methodology is referred to as occurring between these dates in the final methodology that was published on 6 February 2017 (see below)</p> <p>There is no evidence of a consultation or summary of any consultation on the SHLAA</p> <p>The SHLAA methodology is a high-level assessment of housing opportunities and does not determine planning applications. The SHLAA gives a formula that was used to calculate the base density of development on large sites put forward by local authorities to the GLA. This base density was then adjusted by local authorities using local knowledge of the areas in which sites were located and came up with an estimate of London’s capacity to address housing need and large site housing targets for individual boroughs. The methodology also laid out a policy approach to small site development</p>
1 st December 2017 to 1 st March 2018	<p>Draft new London Plan³⁵ first put out for consultation. Map under section on CrossRail 2 South³⁶ clearly shows three “opportunity areas” marked across Kingston. These areas relate directly to the areas discussed in the accompanying text under the heading “Kingston OA” as areas “identified for significant change” in the DofT³⁶ and as areas with the “potential to accommodate growth” following the opening of CrossRail 2</p>
February 2017	<p>Kingston Development Scenario Testing document, parts 1a, 1b, 2a and 2b (the “DST”) bears this date. See entry under May 28, 2019 for information relating to date of publication on council’s website.</p> <p>The original “Kingston opportunity area”, agreed in March 2015, is shown having a hole in it. The map presented to the OASB on 28 January 2016 and dated 29 June 2015 shows that the hole has gone. However, as of February 2017, the “DST” 1a³⁷ states that after discussions with Kingston council and GLA officers “it is understood that the intention is to remove this anomaly”</p>
3 February 2017	<p>GLA declines Freedom of Information Act (“FOIA”) request for information on the Development Capacity Study (“DCS”) - and now named “Development Scenario Testing” (“DST”) ³⁸ by the Council - for Kingston as an “unfinished document”. They say that it “will be</p>

³⁵ <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/draft-new-london-plan/>

³⁶ <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/draft-new-london-plan/london-plan/chapter-2-spatial-development-pattern/crossrail-2> “A Direction of Travel document was adopted in 2016 to guide planning policies in these areas. In particular it identified four areas where there is scope for significant change”

³⁷ https://www.kingston.gov.uk/downloads/download/1007/development_scenario_testing_2017

³⁸ https://www.whatdotheyknow.com/request/development_capacity_study_for_k#incoming-932175

	<p>finalised and published on the Royal Borough of Kingston Upon Thames’s website in early 2017”</p> <p>The DCS is the process by which housing targets on large sites for each Borough are established. Once the targets have been entered in to the London Plan, a Borough is obliged to meet these targets or developers have much greater freedom in what they put forward for development</p> <p>It is therefore important that realistic and acceptable targets are set from the outset. Given the DoT presented no detailed information of any kind about the large sites that would be put forward to the GLA to inform the development targets for the Borough, Kingston residents were effectively denied input in to a process that resulted in large sites targets for the Borough in the LP of nearly 33,000 new homes over 22 years, even before the additional homes that will be required when we become an “opportunity area” – an extra 9000 homes – and with CrossRail2 – an extra 16309 homes</p>
6 February 2017	Kingston Council decline a FOIA request for sight of the Development Scenario and capacity reports for Kingston ³⁹ Chapter 8 of the SHLAA ⁴⁰ provides evidence that Royal Kingston’s high base housing targets are NOT linked to the advent of “supporting infrastructure” in the form of CrossRail 2. CR2 will instead double the number of homes to be built on large sites to about 32,000 The author of the response to the FOIA request states that the “full picture does not exist at this stage and <i>must also include the supporting infrastructure</i> ”.
6 February 2017	Final SHLAA methodology published ⁴¹ . The SHLAA methodology gives a formula that was used to calculate the base density of development on large sites put forward by local authorities to the GLA. This base density was then adjusted by local authorities using local knowledge of the areas in which sites were located and gave an estimate of London’s capacity to address housing need The methodology also laid out a policy approach to small site development
14 March 2017	The DoT, purportedly adopted by the GLA on 17 October 2016, is published for the first time on the GLA website. The GLA states on its website that it aims “ to publish each decision within one working day of it being signed off and with all the relevant background information”. The formal document adopting the DoT is still not published
29 November 2017	Draft London Plan published by GLA. This contains Kingston as a “nascent Opportunity Area”
November 2017 to January 2018	Kingston council “call for sites”. This process can not affect the Borough’s housing targets that have already been agreed in the SHLAA through the DST process because that process has finished
4 December 2017 to	2 March 2018: The Council submits its comments on the Public Consultation on draft new London Plan (“LP”) ⁴²

³⁹ https://www.whatdotheyknow.com/request/development_capacity_study_for_k_2#incoming-932455

⁴⁰ https://www.london.gov.uk/sites/default/files/2017_london_strategic_housing_land_availability_assessment.pdf

⁴¹ https://www.london.gov.uk/sites/default/files/shlaa_methodology_6_feb_2017.pdf

⁴² <https://www.london.gov.uk/sites/default/files/Royal%20Borough%20of%20Kingston%20%282607%29.pdf>

2 March 2018	
13 August 2018	The GLA publishes consultation responses to the draft new London Plan and the draft new plan with minor suggested changes
10 September – 8 October 2018	Time period for public comments to the Inspectors of the Examination in Public of the London Plan (the “EiP”) on their “draft list of matters” to be discussed at the EiP
8 November 2018	The process of creating a new Local Plan for Royal Kingston begins. Issues and Options consultation document is approved by Strategic Housing and Planning Committee of Kingston Council The council states in the document that “The draft New London Plan” designates part of the Borough as an “opportunity area” and that : 7. “ <i>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</i> ”
7 December 2018	Kingston Council submits a response to the EiP on “opportunity areas” ⁴³ on the last possible date for submission
16 January 2019	An email is sent from Kingston Council to GLA ⁴⁴ requesting DoT Adoption Report and saying that it is not on the GLA’s website. Want to “put...to bed as soon as possible” requests on “opportunity area”
16 -19 January 2019	<i>GLA internal email exchanges</i> ³⁵ Officer at GLA states in email exchange: “I’ve only managed to find this unsigned copy of the report to the Mayor.” Officer of Kingston Council thanks GLA for unsigned copy of Adoption report and says “hopefully this will stop some of the questions” Email exchange from FOIA request shows that the GLA can not find an original signed copy of the Adoption document Comment from a GLA officer: “Ah. Was there a letter that the Mayor signed? I have no recollection of this happening.” A GLA officer states in an email that “We need to be able to track down a signed version” [of the DoT Adoption Report] Another says, “RBK also requested this, but I can’t find a signed version in the OAPF – Opportunity Area Planning Framework – folder. Someone else says “Do we have a standard response when people request details of a Mayor’s planning meeting?”
17 January 2019	In response to FOIA request, GLA send an Agenda for the Mayor’s Planning and SDS Meeting of 17 October 2016 ⁴⁵ The date on which the document was drafted is unknown
23 January 2019	Monitoring officer of Kingston Council sends an unsigned copy of the “Adoption” document for the DoT ⁴⁶
12 February 2019	Environment and Sustainable Transport Committee approves the Borough’s Local Implementation Plan 3 ⁴⁷ (“LIP3”) – a transport

⁴³ https://www.london.gov.uk/sites/default/files/m14_rb_kingston_2607.pdf

⁴⁴ https://www.whatdotheyknow.com/request/information_relating_to_the_king#incoming-1359758

⁴⁵ Agenda for Mayor’s Planning and SDS Meeting: www.whatdotheyknow.com/request/date_of_publication_on_gla_websi

⁴⁶ Link to unsigned GLA “adoption” report: https://docs.wixstatic.com/ugd/8451a6_99f9cc1ba085447aa3c38b801133ec1f.pdf?index=true

	strategy for Kingston to 2041 that is meant to support its development plans The decision to approve the LIP3 is subject to resident challenge under the call-in procedure. The LIP3 does not meet statutory requirements, for example it does not contain a Strategic Environmental Assessment ⁴⁸
6 March 2019	GLA webpage screenshot ⁴⁹ shows that a facsimile copy of a <i>signed</i> "Adoption" document for the Direction of Travel was apparently published on GLA website as of this date. The GLA confirm in email exchange that the original signed copy of the document can not be found
14 March 2019	GLA publish the Agenda for the Mayor's Planning and SDS meeting of 17 October 2016 ⁵⁰ at which the DoT was purportedly adopted by the Mayor
27 March 2019	Scrutiny Panel ⁵¹ upholds original committee decision to approve LIP3 on 12 February 2019 despite acknowledgement had breached statutory requirements ⁵² Minutes of Scrutiny Panel state that they are completing a Strategic Environmental Assessment which would be complete by statutory deadline of June 2019 ⁵³ This is not correct as the deadline for submission (statutory requirement) was 16 February 2019 ⁵⁴ . In any case, the consultation on the Strategic Environmental Assessment for the LIP3 only finished on Friday 28 June 2019 so all comments could not have been considered in the context of the LIP3 by 30 June 2019
10 April 2019	In response to a FOIA request ⁵⁵ , the GLA states that "We understood that the [Development Capacity Study] would be published by LB Kingston during 2017, however, I appreciate there has been a delay and we are maintaining our application of Regulation 12 (4) (d) at this time...The capacity study is being prepared as part of the evidence base for the Local Plan Regulation 18 Consultation. <i>This is due to start on 1 May 2019.</i> " The GLA went on to state that the "date of publication" ie 1 May 2019, had been confirmed

⁴⁷ <https://modern.gov.kingston.gov.uk/documents/g8617/Public%20reports%20pack%20Tuesday%2012-Feb-2019%2019.30%20Environment%20and%20Sustainable%20Transport%20Committee.pdf?T=10>

⁴⁸ <http://content.tfl.gov.uk/third-lips-guidance-2018.pdf> "1.33 There is a requirement to undertake a Strategic Environmental Assessment and it is recommended that an Equalities Impact Assessment is also done (which addresses the borough's Public Sector Equality Duty). The boroughs are required to consider whether it is appropriate for the LIP to be assessed against other matters, for example crime and disorder, health, economic and business issues, air quality and climate change."

⁴⁹ https://www.whatdotheyknow.com/request/information_relating_to_the_king#incoming-1359758

⁵⁰ https://docs.wixstatic.com/ugd/8451a6_99f9cc1ba085447aa3c38b801133ec1f.pdf?index=true

⁵¹ <https://modern.gov.kingston.gov.uk/ieListDocuments.aspx?CId=347&MId=8778>

⁵² https://docs.wixstatic.com/ugd/8451a6_4d5b58e1e72c445a92c7598017f73c7d.pdf?index=true

⁵³ <https://modern.gov.kingston.gov.uk/documents/g8787/Printed%20minutes%20Wednesday%2027-Mar-2019%2019.30%20Scrutiny%20Panel.pdf?T=1> "This process was currently being undertaken which would ensure the document was compliant with our statutory requirement, to submit the SEA document to support LIP3 for approval by Mayor of London by **June 2019.**"

⁵⁴ <http://content.tfl.gov.uk/third-lips-guidance-2018.pdf> Sn. 3, Requirement R6 1.38: c.Submission milestones: the boroughs are requested to submit their final draft version of the LIP to TfL by **16 February 2019**"

⁵⁵ https://www.whatdotheyknow.com/request/large_sites_identified_through_a

1 May 2019	“Issues & Options” for the Local Plan becomes an “Early Engagement ⁵⁶ ” document following call-In by residents and is published on the Council’s website for consultation. The Local Plan Early Engagement document only lays out in part details of development planned for Kingston in the London Plan and does not explain the Council’s plans. It also does not explain how the targets in the document have been arrived at. It does not mention at what stage of becoming an “opportunity area” the borough is at, and how this designation has been arrived at
28 May 2019	Development Scenario Testing reports (“DST”) for the Borough, dated February 2017, are published by the Council on its website for the first time, more than two years after they were completed. These reports show the large sites that make up Kingston’s large sites targets in the Strategic Housing Land Availability Assessment for the London Plan and which give rise to the additional housing targets that the GLA and Kingston Council consider deliverable with CR2. They also show predicted growth in commercial space throughout the Borough They DSTs show possible development densities and heights that the council calculated as acceptable across the Borough. The DST documents were only posted on the Council’s website and not on WhatDoTheyKnow.com ⁵⁷ . Densities on some sites appears to have been calculated based on their presence in an “opportunity area” and not on existing PTAL ratings although the information is not clear and is inconsistently presented
31 May 2019	Strategic Environmental Assessment consultation for LIP3 opens
28 June 2019	Strategic Environmental Assessment consultation ⁵⁸ for LIP3 closes. Lasts only FOUR weeks
As of 21 July 2019	No scoping report for an Integrated Impact Assessment of planned growth in Kingston appears to have been commenced or is available to inform the Local Plan consultation No Development Infrastructure Study has been completed or supports the Local Plan consultation ⁵⁹
31 July 2019	Consultation on Engagement document for Local Plan will end

⁵⁶ https://www.kingston.gov.uk/downloads/download/986/local_plan_-_early_engagement_may_2019

⁵⁷ https://www.whatdotheyknow.com/request/development_capacity_scenarios_a_2#outgoing-909595

⁵⁸ <https://kingstonletstalk.co.uk/environment-assessment-LIP3>

⁵⁹ The council only completed a Kingston Transport Study 2018 : https://www.kingston.gov.uk/downloads/file/2462/kingston_transport_study_-_report