

## **Why Kingston’s large site housing and jobs targets and designation as an “opportunity area” are unsound**

The evidence I present in this document relates to the Direction of Travel Supplementary Planning Advice document (the “DofT”)<sup>1</sup> that was approved by the Growth Committee of Kingston Council (the “Council”) in October 2016<sup>2</sup> and purportedly then approved by the Mayor of London (the “Mayor”) and which was the subject of my original submission on the draft new London Plan (“the Plan”), reference 2191<sup>3</sup>. A full timeline of events relating to the Direction of Travel is available below.<sup>4</sup>

Evidence indicates that:

- i. The DofT as supplementary planning “advice” to the policies of the London Plan, has no legal or statutory status, and should not therefore have been used by Kingston council and the GLA as the basis for agreeing large site housing and jobs targets for Kingston in the Strategic Housing Land Availability Assessment for the London Plan
- ii. use of the DofT as justification of the designation of vast swathes of Royal Kingston as an “opportunity area” – as confirmed in the draft Issues and Options document for Kingston in November 2018<sup>5</sup> - with associated additional growth and density of development, is flawed, unsound and undemocratic, and
- iii. all large site targets for Kingston, including those associated with CrossRail 2, and the “opportunity area” designation should be withdrawn from the Strategic Housing Land Availability Assessment 2017 (the “SHLAA”) which was used to allocate large site targets to London boroughs, and also from the draft new London Plan (the “Plan”).

I believe that my findings have possible implications for the soundness of the basis and process by which all new “opportunity areas” in the Plan may have been given such a designation and would ask you to review the integrity of decision-making for all proposed new “opportunity areas” in the Plan.

### **The Context – Why does it matter?**

The DofT has been used by the Council and the Greater London Authority (the “GLA”) to:

- i. agree a significant number of large sites for development across Royal Kingston and to estimate possible development densities on those large sites as part of the evidence base for housing targets laid out in the Plan. The SHLAA process has established high base housing targets for large sites in Royal Kingston in the Plan
- ii. attempt to designate vast swathes of Royal Kingston as “opportunity areas” which could end up encompassing the larger part of the borough. Development within – and around -

---

<sup>1</sup> <https://bit.ly/KingstonDoT>

<sup>2</sup> Audio Recording of Growth Committee 13 October 2016 on Direction of Travel from minute 30: <https://soundcloud.com/kingstoncouncil/13-october-2016-growth-committee>

<sup>3</sup> My submission on the draft London Plan:  
<https://www.london.gov.uk/sites/default/files/Scott-C%20%282191%29.pdf>

<sup>4</sup> Full timeline of events relating to the Direction of Travel: <https://bit.ly/DofTTimeline>

<sup>5</sup> <https://bit.ly/DofTOppAreaKingston>

- “opportunity areas” is at significantly higher densities than in non-“opportunity areas” meaning that Royal Kingston’s housing targets will rise further
- iii. agree, as part of the SHLAA process, that development targets on large sites around possible CrossRail 2 stations in Royal Kingston will rise significantly in preparation for, and with the arrival of, CrossRail 2 as evidenced in the additional housing targets laid out in the SHLAA associated with CrossRail 2.

**1. The Council acted against its own constitution in seeking GLA adoption of the DoT before the expiry of the call-in period**

The Growth Committee of the Council approved the DoT on 13 October 2016<sup>1</sup>. The Council submitted the DoT to the GLA for approval by the Mayor within two business days. The Council’s decision to approve the DoT was still open to challenge through call-in by residents at the time of submission of the document to the GLA

**2. Full Council approved the DoT after it had purportedly been approved by the Mayor and without sufficient clarification of its purpose and objectives**

On 18 October 2016, Kingston’s Full Council approves the – incredibly short - Report of the Growth Committee of 13/10/16 regarding the DoT<sup>6</sup> as an urgent item authorised by the Mayor. The reason is given 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.”

Full Council approved the DoT after the date on which it had purportedly been adopted by the Mayor on October 17 2016

The item on the DoT in the Late Material<sup>7</sup> does not mention that the DoT would be used to establish huge large site development targets for Kingston in the London Plan, or to create designation of “opportunity areas” across the Borough. It is completely vague.<sup>8</sup>

**3. The action to seek immediate adoption by the Mayor of the DoT de-facto removed residents’ rights to call in the decision.**

To all extents and purposes, it appeared to local residents that, once the DoT had been adopted by the Mayor, it was beyond challenge at a local level

**4. There is no evidence that the Mayor formally adopted the DoT**

---

<sup>6</sup> Report of the Growth Committee - 13 October 2016 Appendix G “The report of the Committee was received. Voting – unanimous”

<sup>7</sup> <https://moderngov.kingston.gov.uk/documents/b15503/Late%20Material%20Tuesday%2018-Oct-2016%2020.00%20Council.pdf?T=9>

<sup>8</sup> “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.”

In the absence of evidence that the DoT was adopted by the Mayor, the large sites housing targets for Royal Kingston in the SHLAA and draft London Plan and the designation of Royal Kingston as an “opportunity area” are unsound.

I have been told that the Mayor adopted the DoT on October 17, 2016 at the Mayor’s Planning and SDS Meeting<sup>9</sup>. There is no evidence that such a meeting took place. There is an Agenda for the meeting<sup>10</sup>. Evidence is needed of the dates on which the Agenda was drafted and issued in order to be sure of its legitimacy

On 23 January 2019, Quentin Baker, the then Monitoring Officer at the Council, sent me a copy of the Adoption Document for the DoT (the “Adoption Document”). The document was not signed<sup>11</sup>

There is no evidence that the Mayor signed the Adoption Document for the DoT (the “Adoption Document”) on that day or indeed ever. Email correspondence between GLA officers confirms that they are unable to find a signed copy of the Adoption Document.<sup>12</sup>

It is unclear how and when the signed copy of the Adoption Document that was eventually placed on the GLA website on 6 March 2019 was created. The posting of a “signed” Adoption Document happened following a Freedom of Information request that I submitted asking for sight of the signed Adoption Document<sup>13</sup>.

An original of the signed Adoption Document does not appear to exist or, if it does, it has not been made public.

## **5. Residents of Royal Kingston and other interested parties were effectively deprived of the knowledge that Kingston was about to be allocated significant large site targets, and the basis for such allocation**

The DoT for Royal Kingston was posted on the GLA website on 14 March 2017<sup>7</sup>. As discussed above, it is not evident that the Mayor had approved it at this time. The date that the DoT was published on the GLA’s website was after public consultation on the SHLAA methodology for determining densities on large sites had finished. Consultation on the SHLAA took place between 23 November 2016 and 20 January 2017. The date of publication of the DoT was also after the final SHLAA methodology had been agreed and published on 6 February 2017<sup>14</sup>.

---

<sup>9</sup> Request for original signed Adoption Report for Direction of Travel  
[www.whatdotheyknow.com/request/direction\\_of\\_travel\\_approval\\_17#incoming-1329335](http://www.whatdotheyknow.com/request/direction_of_travel_approval_17#incoming-1329335)

<sup>10</sup> Agenda for Mayor’s Planning and SDS Meeting:  
[www.whatdotheyknow.com/request/date\\_of\\_publication\\_on\\_gla\\_websi](http://www.whatdotheyknow.com/request/date_of_publication_on_gla_websi)

<sup>11</sup> Link to unsigned Adoption Document sent by the Council on 23 January 2019  
[https://docs.wixstatic.com/ugd/8451a6\\_99f9cc1ba085447aa3c38b801133ec1f.pdf?index=true](https://docs.wixstatic.com/ugd/8451a6_99f9cc1ba085447aa3c38b801133ec1f.pdf?index=true)

<sup>12</sup> Email correspondence between GLA officers: [https://www.whatdotheyknow.com/request/information\\_relating\\_to\\_the\\_king#incoming-1359758](https://www.whatdotheyknow.com/request/information_relating_to_the_king#incoming-1359758)

<sup>13</sup> Freedom of Information request date of publication of Adoption document  
[https://www.whatdotheyknow.com/request/date\\_of\\_publication\\_on\\_gla\\_websi#incoming-1356864](https://www.whatdotheyknow.com/request/date_of_publication_on_gla_websi#incoming-1356864)

<sup>14</sup> SHLAA methodology: [https://www.london.gov.uk/sites/default/files/shlaa\\_methodology\\_6\\_feb\\_2017.pdf](https://www.london.gov.uk/sites/default/files/shlaa_methodology_6_feb_2017.pdf)

Publication of The DoT on the GLA's website was after the stated date of publication of the Development Capacity Study for Royal Kingston (the "DCS"), which is given on the DCS as February 2017<sup>15</sup>. This means that large sites targets for Royal Kingston may have been discussed, modelled and agreed with the GLA before the DoT was posted as "approved" by the Mayor on the GLA website. If this is the case, timing of the posting of the DoT on the GLA website must by definition have prevented any possible knowledge by the residents of Royal Kingston or by any other interested parties that the DoT was being used as justification for vastly elevated large site housing targets for Kingston and to designate Kingston as an "opportunity area" in the draft new London Plan. This is especially the case given that the GLA states that, for transparency's sake, decisions made by the Mayor are normally posted on the GLA website one day after they are made. To all extents and purposes, this gave the impression that the DoT was approved by the Mayor on 13 March 2017.

Residents and other interested parties could not therefore have known that the GLA and the Council, through the DoT, was in the process of allocating significant large site development targets to Royal Kingston as part of the SHLAA. The SHLAA methodology states that the "site assessment and borough one-to-one meetings" took place between February and mid-May, so large site targets for Royal Kingston may well have been agreed even before the DoT was published on the GLA website.

Timing of the posting in turn prevented any interested parties' involvement in the public consultation process for the SHLAA, as nobody knew that the Mayor had already approved the DoT - if indeed this was the case - and that they needed to have a direct interest in the SHLAA process. If this is the case, it represents a breach of the consultation process.

Given that the purposes for which the DoT would be used were completely unclear both in the document itself and in the Committee meeting at which the document was approved in October 2016<sup>16</sup> - despite the Adoption Document stating that the purpose of this document is to "provide clarity to residents....on the process being undertaken to produce a Growth Strategy for Royal Kingston" - and given there was no evidence that the GLA had approved the document, residents and other interested parties would not have known, and did not know, that the DoT would be and had been used to inform Royal Kingston's large site housing target and did not know that they needed to have an interest in, and contribute to, that process during the public consultation process for the SHLAA

**5. The GLA demonstrated a lack of clarity, of robust decision-making, and openness to the public in the way it has managed plans for growth in Royal Kingston**

---

<sup>15</sup> See front page of Development Scenario Testing document for Kingston upon Thames:  
[https://www.kingston.gov.uk/downloads/download/1007/development\\_scenario\\_testing\\_2017](https://www.kingston.gov.uk/downloads/download/1007/development_scenario_testing_2017)

<sup>16</sup> <https://moderngov.kingston.gov.uk/ieListDocuments.aspx?CId=610&Mid=8153&Ver=4>

The GLA did not follow its own Corporate Governance Framework Agreement<sup>17</sup> on matters of decision-making and openness and transparency, Sections 2, 4 and 6, by failing to publish the DoT on its website until 14 March 2017, and the Adoption Document until March 2019

A statement is made on the GLA's website that: *"Our aim is to publish each decision within one working day of it being signed off and with all the relevant background information"*

There has been a complete lack of transparency, openness and co-ordination between the GLA and the Council in bringing forward growth plans for Royal Kingston

The Issues & Options document for the new Local Plan ("I&O")<sup>18</sup> came to the Strategic Housing and Planning Committee of the Council on 8 November 2018, months before a copy of the "signed" Adoption Document was posted on the GLA's website<sup>19</sup>. This made it impossible for residents of Royal Kingston or other interested parties to understand whether growth plans laid out in the I&O had the GLA's formal endorsement.

No attempt has been made by the GLA or the Council to communicate clearly their growth plans for the Borough with residents. The vast majority of people in the borough were and still are unaware of the existence of the DoT and most people remain unaware of the purposes for which it has been and is still being used

The Agenda document for the "Mayor's Planning and SDS Meeting"<sup>20</sup> clearly itemises the DoT for approval under the title "Opportunity Area Planning Framework"

The Kingston Town Centre Opportunity Area Planning Framework document ADD414, approved on 12 April 2016<sup>21</sup>, asked for funds to extend the document from Kingston Town Centre to "include the 10 proposed CrossRail 2 stations in the borough". The Objective and Expected Outcome for the project was to "produce the *draft Kingston Opportunity Area Plan...by April 2016*".

In contrast, Kingston council has asserted that the Council "(either independently or with the GLA) has not produced an Opportunity Area Planning Framework"<sup>22</sup> (the "OAPF"), while information from minutes of the Opportunity Area Strategic Board<sup>23</sup> on 28<sup>th</sup> January 2016

---

<sup>17</sup> GLA Corporate Governance Framework Agreement

[https://www.london.gov.uk/sites/default/files/corporate\\_governance\\_framework\\_agreement\\_may18.pdf](https://www.london.gov.uk/sites/default/files/corporate_governance_framework_agreement_may18.pdf)

<sup>18</sup> Draft Issues and Options document for Royal Kingston

<https://moderngov.kingston.gov.uk/documents/s79535/Issues%20and%20Options%20for%20the%20Local%20Plan%20-%20November%20SHAP.pdf>

<sup>19</sup> [https://www.whatdotheyknow.com/request/information\\_relating\\_to\\_the\\_king#incoming-1359758](https://www.whatdotheyknow.com/request/information_relating_to_the_king#incoming-1359758)

<sup>20</sup> [https://docs.wixstatic.com/ugd/8451a6\\_99f9cc1ba085447aa3c38b801133ec1f.pdf?index=true](https://docs.wixstatic.com/ugd/8451a6_99f9cc1ba085447aa3c38b801133ec1f.pdf?index=true)

<sup>21</sup> ADD 414: Contract extension for **Kingston Opportunity Area Action Plan**: <https://www.london.gov.uk/decisions/add414-kingston-town-centre-oapfarea-action-plan-contract-extension>

<sup>22</sup> Freedom of Information of Act request CAS – 1031108/IR/KJF, reply 02 May 2019:

[https://www.whatdotheyknow.com/request/534630/response/1358380/attach/3/FOI%20Internal%20Review%20CAS%201031108%20Kingston%20Opportunity%20Framework.pdf?cookie\\_passthrough=1](https://www.whatdotheyknow.com/request/534630/response/1358380/attach/3/FOI%20Internal%20Review%20CAS%201031108%20Kingston%20Opportunity%20Framework.pdf?cookie_passthrough=1)

<sup>23</sup> Minutes of meetings of **Opportunity Area Strategic Board** for Kingston

[https://www.whatdotheyknow.com/request/request\\_for\\_information\\_on\\_actio#outgoing-611064](https://www.whatdotheyknow.com/request/request_for_information_on_actio#outgoing-611064)

indicate that preparation of the OAPF might take place as part of the Local Plan. However, the first consultation is currently taking place on Kingston's Local Plan and the document makes no reference to the need for an OAPF as part of the Local Plan process.

Most recently, in correspondence from the GLA dated 22 May 2019, an officer now states that *"The Royal Borough of Kingston has just published its new Local Plan early engagement document. This is the first stage in preparing a statutory development plan for Kingston, and I urge you to send your comments and suggestions to Kingston. 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."*

How is anyone to make head or tail of what is going on? These plans are not, and have never been, clear or communicated clearly to residents; nor have residents' views been sought and taken in to account in any way that can be seen to have influenced the housing and jobs targets that the council has agreed with the GLA nor the possible designation of vast swathes of the Borough as an "opportunity area" or "areas of opportunity".

## **6. The GLA and the Council have not addressed Human Rights and Equalities Duties or Environmental Considerations in setting vast housing and jobs targets across the Borough and designating Royal Kingston as an "opportunity area"**

The possible regeneration of vast swathes of the borough, including council estates, raises major issues of human rights and equality as well as significant environmental issues

The compilation of The DoT and its use to establish massive large site housing and jobs targets for the Borough, as well as to justify Kingston being designated an "opportunity area" in the draft new London Plan, does not seem to have included a sustainability appraisal or any initial and ongoing equalities impact assessments that were meant to accompany the project to ensure that "at each point of the drafting and consultation process for the proposed document, equalities impacts are considered and actions decided to address any emerging issues" as laid out in Point 3.1 of GLA contract ADD340<sup>24</sup> dated 26 August 2015. The requirement to address equalities issues arises under the Equalities Act 2010.

Specifically, the DoT does not mention the council's plans for the provision of affordable housing and the possible regeneration of council estates in the borough. Council estates are likely to have BAME occupants, elderly, disabled, gender reassigned, and pregnant people, mothers and people of many different races, genders, religions and belief, sexual orientation and different states of marriage/civil partnership status and who all need to be considered under equalities legislation.

In the later GLA paper ADD414<sup>18</sup> dated 12 April 2016, requesting further funding for the Kingston "opportunity area", the GLA goes so far as to say that "it is unlikely that this project will have negative equalities impacts". It is hard to understand the justification for this statement when the GLA and the Council have plans for growth on such a massive scale throughout the Borough which include widespread regeneration, redevelopment,

---

<sup>24</sup> Equality comments on preparation of [Kingston Town Centre Opportunity Area Planning Framework](http://www.london.gov.uk/decisions/add340-kingston-town-centre-oapf-area-action-plan-aap-consultancy): [www.london.gov.uk/decisions/add340-kingston-town-centre-oapf-area-action-plan-aap-consultancy](http://www.london.gov.uk/decisions/add340-kingston-town-centre-oapf-area-action-plan-aap-consultancy)

internationalisation and gentrification of the Borough. The paper goes on to say: “The project will also be subject to a review and this will also address equalities impacts”. There is no evidence that such a review took place.

GLA paper ADD340 stated that: “3.2 *Given the regeneration focus of the proposed project, identification of relevant equalities groups and potentially vulnerable locally affected populations will be undertaken at the outset of the project.*” This statement and others on the same subject are repeated word for word in contract extension ADD 414<sup>13</sup> which funded a document that has been used to extend the Kingston “opportunity area” from Kingston Town Centre to across vast swathes of Royal Kingston

In GLA paper ADD 2026<sup>25</sup>, dated 19 October 2016, the GLA states under 3.1 Equality Comments that “In arriving at the recommended decision to approve this proposed budget, equalities issues *have been considered* in line with the GLA’s duties under the Equalities Act 2010”. There is no evidence of this process having taken place or the outcomes of such process

In the same paper ADD2026, under point 3.2, the GLA states that “given the regeneration focus of the proposed project, *identification of relevant equalities groups and potentially vulnerable locally-affected populations has been undertaken at the outset of the project*”. There is no evidence of this process having taken place or of the outcomes of such process

Again, in paper ADD2026, the GLA states that “A detailed public consultation strategy has been drawn up with the Royal Borough of Kingston to ensure that any local hard to reach groups are engaged in the process to ensure that the resulting document is appropriate and accessible to all and meets the needs of different Londoners”. There is no evidence that such a strategy was ever put in place or of how it has been used. It is also unclear how and why “the resulting document” needs to and can meet the needs of different “Londoners”.

Lastly, in arriving at Royal Kingston’s planned housing targets, the council and the GLA have paid no attention to Environmental Considerations which are meant to be a key part of planning policy. The report recommending the DoFT for approval said that the growth strategy outlined in that document gave rise to *no environmental implications*, despite including large areas of Metropolitan Open Land, Green Belt and environmentally-important sites as possible areas for development. The report ignores the proximity of Richmond Park SAC and Wimbledon Common SAC, and the fact that the Borough of Kingston already had a deficit of open green space for the 2001 population<sup>26</sup>.

There is no evidence in the Habitats Regulations Assessment of the Intend to Publish London Plan (the “Plan”) of any process that has taken place to consider the effects of proposed levels of development in Kingston on the scale set out in that Plan, and arising from the DoFT, on Richmond Park SAC, Wimbledon Common SAC and South West Waterbodies SPA, either alone or in combination with development planned in surrounding Boroughs such as Hounslow, Merton and Wandsworth. The last HRA screening exercise that was conducted for Kingston was in 2010, with much lower levels of planned development and an

---

<sup>25</sup> <https://www.london.gov.uk/decisions/add2026-kingston-town-centre-oapf>

<sup>26</sup> Atkins report 2006: Kingston Open Space Assessment (based on 2001 census): <https://bit.ly/Kingstongreenspacedeficit>

inadequate analysis. Reliance on conclusions reached in other Boroughs' HRAs about possible harm to protected habitats and species is done without scrutiny or evidence for scientific evidence that proposed development will not have significant adverse effects on such habitats and their species.