Community Call In - Issues and Options for the Local Plan (Decision by Strategic Housing and Planning Committee meeting on 8 November 2018)

Report by the Assistant Director of Strategic Planning and Infrastructure

**Purpose**

To report a Community Call-In of the decision of the Strategic Housing and Planning Committee to authorise consultation on the Issues and Options and Site Assessments for a new Local Plan for the Royal Borough of Kingston upon Thames.

**Recommendation**

The Panel is recommended to determine how it wishes to respond to the Community Call-in in relation to the resolution of the Strategic Housing and Planning Committee. The options available to the Committee under the Community Call In Procedure rules are to either:

1. Reject the request for the call-in, in which instance the original decision of the Committee is effective immediately and may proceed to implementation; or

2. Agree, partially or wholly with the reasons for the call in and refer it back to the relevant Committee with a request to review and/or make revisions to the decision taking account of recommendations from the Panel for amendment or reversal of the decision; or

3. Where it is likely to lead to quicker resolution of the matter (or in other exceptional circumstances), the Panel may direct its recommendations to a meeting of Council, instead of the originating Committee.

**Key Points**

A. The Issues and Options and accompanying Site Assessments were approved for the purposes of public consultation at the Strategic Housing and Planning committee on 8th November 2018 by 7 committee members (3 abstentions). This was subject to the resolution that before consultation, authority be given to the Assistant Director for Planning and Infrastructure, in consultation with the relevant portfolio holders, to agree the final documentation and branding.

B. The documentation would form the basis of the consultation materials for a significant public engagement exercise in 2019 which would provide the community and other stakeholders with the opportunity to provide early feedback on the future of the borough, particularly in relation to development and place-making. This is the first stage of development of a new local plan for the borough and is a statutory stage (although the engagement proposed is anticipated to go beyond the statutory minimum).

C. The consultation material still needs to be made into a properly designed format and adapted for online engagement. There are also aspects of the text which will need to be made clearer and the resolution makes provision for these changes to be made,
although it is noted that the text agreed at committee forms the basis for what will be used to engage with the public.

The Community Call-In

1. At their meeting on 8 November 2018, the Strategic Housing and Planning Committee considered a report in respect of the consultation for the Issues and Options stage of the development of a new Local Plan, including Site Assessments. The report is attached as Annex 1 of this report.

2. The Committee resolved that:
   1. The Issues and Options and Site Assessment documents for the purposes of public consultation (Annexes 1 and 2) be approved;
   2. Prior to consultation, the Assistant Director for Strategic Planning and Infrastructure, in consultation with the relevant Portfolio Holders for Planning Policy, Culture and Heritage and Resident Engagement and relevant Opposition Spokesperson(s), be given delegated authority to;
      (a) agree the branding and consultation collateral of the Issues and Options;
      (b) make amendments to these documents and approve the consultation collateral; and
      (c) amend the overall housing target referred to in the document following publication of the Housing Delivery Test target on the 1 November 2018.

3. On 23 November 2018, a Community Call-in was received. The reasons for call-in were as follows:
   1. “The Opportunity Area” referred to on page 6 of the document does not exist
   2. The Council appears to have agreed with The GLA behind closed doors to merge The creation of a Local Plan with The creation of an Opportunity Area Planning Framework. The nature of The growth strategy that Kingston Council is pursuing with The GLA is not made clear in this document
   3. The possible creation of an Opportunity Area(s) should be conducted as a separate process and residents should be consulted as part of this process. The council’s approach will mean that residents will be deprived of their democratic and statutory right to be consulted on The possible creation of Opportunity Areas in The borough. The Council will also fail The requirement to be transparent and to consult fully with residents
   4. The Council gives a figure for growth of new homes in the Borough, taken from the draft London Plan, of 30,008 between 2019 and 2041. The council should ask residents if they believe this target is correct for the Borough and challenge the figure if people believe it is too high
   5. The figures given do not make sense and need further clarification. Planned population growth is 23,000 people from 2019 to 2041, yet, in the same period, the council intends to build 30,008 new homes. Assuming two people per household, this number of homes would accommodate 60,016 people. The council should provide information that explains why it wants to build nearly treble the number of homes that it needs
6. The Direction of Travel referred to on page 7, note 7 did not establish any Opportunity Area(s) or confirm agreement for large scale development in any area of the Borough

7. The Direction of Travel is unsound and should be discarded – see Appendix One (http://kingstonindependents.org.uk/wp-content/uploads/2018/11/Appendix-One-Call-In-Whythe-Direction-of-Travel-is-unsound.docx) for the reasons supporting this assertion

8. The information presented on sites is unclear, lacks meaningful detail and does not provide a reasonable and clear context for informed consideration by residents to take place. The basis on which The sites came forward is also not explained. It is unclear why these specific sites are being presented, how they compare in size and location with other sites that remain confidential, and no information is presented on which have a viable possibility of development. The exact location of sites is not explained

9. The questions that the Council proposes to ask are inadequate, often unclear or based on limited and closed or biased information, often focus on meaningless detail, and are biased in number and content towards business and jobs, overlooking key issues such as CrossRail2 – see Appendix Two (http://kingstonindependents.org.uk/wpcontent/uploads/2018/11/Appendix-Two-Call-in-Issues-and-Options-Questions.docx)

10. The document and proposed consultation makes no attempt to identify The key issues that residents may have about growth in The Borough

11. An issues and Options document is meant to help The Council identify The “issues” that exist in The Borough in The context of putting together a new Local Plan so that it can use this information to put together viable and acceptable Options to put to residents. Instead, this document presents Two basic Options and asks residents to choose between them. In addition, only One option presented would bear The growth Planned by The Council. this gives a clear impression that The council’s plans have been predetermined

12. The document presented to Committee was so vague and incomplete and uninformative and confusing that It should not have been approved in its current form. The final consultation draft, with what will doubtless be major changes, should come back to The Strategic Planning and Housing Committee for approval before going out for consultation

13. This item was the penultimate item on a long agenda. It is unacceptable that discussion about a document about growth on the scale and type being envisaged should happen between 10.35pm and 00.12 and at the end of a meeting that lasted 4 hours 37 minutes in total

14. No councillor was in a position to make an informed and intelligent decision at this time of night. One councillor even felt unable to make such a decision because of the late hour and abstained from the vote. Councillor Sharon Young, at 4.32.40, said: “I feel that its getting so late that I know myself I can not contribute anything meaningful at this moment in time”. She also requested that the meeting was “wrapped up” soon which the Chairperson promptly did
15. On the GLA’s website, dated 28/1/16, in the meeting notes of the Opportunity Area Growth Board, it is stated that “we need to do a with and without scenario because of Crossrail”. This document fails not only to present a with and without scenario, it fails to discuss CrossRail2 in any detail whatsoever.

4. The Council’s procedures require call-ins to be considered by Scrutiny Panel. Under paragraph 1(h) of part 4C of the Constitution, the Scrutiny Panel can take one of three decisions:
   a. Reject the request for the call-in, in which instance the original decision of the Growth Committee is effective immediately and can proceed to implementation;
   b. Agree, partially or wholly with the reasons for the call-in and refer it back to the relevant Committee with a request to review and/or make revisions to the decision taking account of recommendations from the Panel for amendment or reversal of the decision; or
   c. If it leads to a quicker resolution or there are other exceptional circumstances, to refer it to Council.

Response to the Call In and Additional Information

5. In order to prevent duplication of responses and repeated information, the call-in reasons have been grouped together thematically. Under each a response to the point and queries raised has been provided.

*Reasons 1 - 5 Relating to the Opportunity Area*

Response:

6. An Opportunity Area can only be designated in a London Plan by the Mayor of London. The Mayor published his new draft London Plan in December 2017. This included a new Opportunity Area for Kingston. This was subject to public consultation through to 2nd March 2018.

7. The Mayor also has responsibility for apportioning housing to the 33 boroughs through the London Plan to meet the needs of Greater London as a whole. The apportionment of housing targets is based on capacity and the availability of sites as a whole, rather than the actual population growth within the individual borough.

8. The Mayor published a new housing target for Kingston in his new London Plan of approximately 30,000 additional homes between 2019 and 2041. Members of the public had the opportunity to respond to this consultation. The Council responded and has raised concerns about the deliverability of the housing target. To support our submitted concerns, the Council will be appearing at the Examination in Public for the new London Plan in 2019.

9. For context, it is noted that the Government estimates London’s housing need as 100,000 homes per year. The new London Plan estimates London’s need as being just 66,000 homes per year and includes new housing targets which cumulatively add up to just below that at 65,000 homes per year. Therefore, although Kingston and a number of other London boroughs have concerns about their housing targets, it is nonetheless noted that there is an need for increased housing delivery. Kingston will need to deliver a step change in housing delivery to contribute towards the significant
housing needs of London, particularly in the context of current housing delivery of less than 400 homes per year.

10. Kingston’s existing planning policy documents date from 2007 (Kingston Town Centre Area Action Plan) and 2012 (the Core Strategy and South West London Waste Plan). A lot has changed since these plans were prepared, and the objectives and policies they contain do not now provide an overall strategy for the future. That is why there is a need to review these documents and work towards the development of a new Local Plan. The Government recommends local plans are reviewed every five years.

Reasons 6 and 7 Relating to the Direction of Travel

Response:

11. The Direction of Travel is not a statutory planning document and therefore is not subject to the tests of soundness. The footnote referred to is as follows: “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”.

12. It is agreed that this does not establish any Opportunity Area: that can only be done by a London Plan.

Reasons 8 - 12 Relating to the content of the Issues and Options documentation

Response:

13. Page 1 of Annex 2 clearly sets out how these sites have come forward: ...all the sites that were submitted to the Council through the Call for Sites process, together with sites that were submitted to the Mayor of London as part of the London wide SHLAA (Strategic Housing Land Availability Assessment) in 2017.

14. The Council is giving the community the opportunity to comment directly on the sites without filtering out those which may not be able to be delivered (for whatever reason). In this way, the community can highlight those sites they support, have concerns about or object to directly as part of the early engagement to develop a new local plan. These responses will help inform future decisions about what sites are taken forward in the local plan. This will be set out in the Consultation Statement that will accompany the local plan as part of the statutory documentation.

15. The purpose of the consultation is for residents to identify the key issues in their responses, alongside their preferred approach to addressing these issues. The documentation has been drafted to be as broad as possible so residents do not feel constrained about the responses they may put forward.

16. The questions relating to the options was discussed at the Strategic Housing and Growth committee on the 8th November 2018. This section will be amended to make clear that residents, in responding to the engagement, can choose a combination of these options or set out their own option for meeting the scale of growth needed.

17. Reason 12 suggests the document was vague and incomplete. It is requested that the final consultation draft come back to the Strategic Planning and Housing
Committee for approval before going out for consultation. Guidance was provided through the committee debate as to areas on the document that would be aided by correction or further explanation. The resolution provides delegated powers to the Assistant Director of Strategic Planning and Infrastructure in consultation with Portfolio Holders and Opposition Spokeperson(s). This ensures that the points debated by the committee are addressed in the amended text prior to the commencement of consultation and engagement.

18. There are a number of questions posed which allow residents to provide feedback without being constrained by specific questions (Questions 2, 11, 14, 23, 28 and 35-38). This will ensure that the document does not constrain the ability of the public to provide feedback and demonstrates a genuine openness to feedback from the wider public.

Reasons 13 and 14 Relating to the committee

Response:

19. The size and length of a published agenda pack does not automatically correlate with the length of the committee meeting. While every effort is made to balance the size of agendas, it is often difficult to anticipate in advance how long consideration of each item will take as this depends on a number of variables including the order in which business is taken on the night (determined by the Chair based usually on the number of members of the public in attendance for individual items), questions and issues which arise during the debate, the number of Members who wish to speak on the item and the extent of public interest and participation.

20. If a Member feels that they are unable to participate in voting on a matter because they are not in a position to make an informed decision then it is appropriate for them to abstain. Councillor Young’s abstention had no bearing on whether or not the Committee was quorate and procedurally able to deal with the matter.

Reason 15 Relating to Crossrail 2

Response:

21. This would be a matter for the actual Local Plan, not for the initial consultation. It is also noted that the Council’s response to the emerging London Plan has requested details be published indicating separate housing targets to help identify those which are dependent on the Government’s commitment to Crossrail 2.

Timescale

22. It is intended to commence the engagement/consultation in Spring 2019.

Resource Implications

23. Development of the current documentation has taken considerable officer time which would need to be duplicated if this documentation was not taken forward to engagement stage.

24. An increasingly out of date local policy framework has implications for determining planning applications, including appeals.
Policy Implications

25. The government now requires local authorities to review their local plans every 5 years. Kingston’s adopted Core Strategy was adopted in 2012 and its Kingston Town Centre Area Action Plan was adopted in 2008. It is therefore important that the local plan review commences to work towards a new, up-to-date local plan which addresses the current context, issues and targets.

26. Kingston borough is currently under-delivering in terms of housing completions. This already has an impact as the ‘Presumption in Favour of Sustainable Development’ (paragraph 11 of the National Planning Policy Framework) directs that when policies in the development plan which are most important for determining the application are ‘out-of-date’, the Council should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. The development of a new Local Plan allows the Council to identify sufficient future development sites and adopt policies that don’t hinder the delivery of housing. A new local plan would help the Council meet its requirements and come out of ‘tilted balance’ so that the local policies carry full weight in decision making.

Legal Implications

27. The proposed engagement is a statutory consultation stage under the The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017.

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Appended to this report are:

- The Strategic and Housing and Planning Committee Report: ‘Issues and Options for the Local Plan’ (8 November 2018)
- The original annexes that were appended to that report namely ‘Issues and Options’ (Annex 1) and ‘Site Assessments’ (Annex 2)
- Minute Number 22 of the meeting of the Strategic Housing and Planning Committee on 8 November 2018

The background documents in the original report can be found on the following pages on the Council’s website:

Statement of Community Involvement (January, 2007):