



The Planning
Inspectorate

Report to the Council of the Royal Borough of Kingston upon Thames

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an Inspector appointed by the Secretary of State for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

REPORT ON THE EXAMINATION INTO THE ROYAL BOROUGH OF KINGSTON UPON THAMES CORE STRATEGY

DEVELOPMENT PLAN DOCUMENT

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Abbreviations Used in this Report

AA	Appropriate Assessment
AAP	Area Action Plan
CC	Council Change
CfSH	Code for Sustainable Homes
CS	Core Strategy
DPD	Development Plan Document
IC	Inspector Change
LDS	Local Development Scheme
LP	The London Plan
LSIS	Locally Significant Industrial Site
MDS	Major Developed Site
MOL	Metropolitan Open Land
NPPF	National Planning Policy Framework
PC	Proposed Change
PPG	Planning Policy Guidance Note
PPS	Planning Policy Statement
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SINC	Site of Importance for Nature Conservation
WoA	World of Adventures at Chessington

Non-Technical Summary

This report concludes that the Royal Borough of Kingston upon Thames Core Strategy Development Plan Document provides an appropriate basis for the planning of the Borough over the next 15 years. The Council has sufficient evidence to support the strategy and can show that it has a reasonable chance of being delivered.

A limited number of changes are needed to meet legal and statutory requirements. These can be summarised as follows:

- Necessary changes to ensure general conformity with the London Plan and consistency with national policy, particularly on housing numbers, the provision of a Housing Trajectory, monitoring and superseded UDP policies.
- A clearer expression of the CS's Objectives, consistent with the Council's already stated intentions.
- Clearer explanations of how the CS policies will be implemented.
- The separation of the Neighbourhood and Key Area of Changes sections into appropriate policies and explanatory text.
- The identification of an existing strategic freight Site in Tolworth.
- Clarity on the treatment of the Thames Water Filter Beds.
- Amendments and updates to policies to reflect the present progress of development (e.g. Surbiton Hospital) and the Council's future intentions.
- Various boundary alterations (and consequential textual changes) to accord with the evidence, such as those to two Locally Significant Industrial Sites, the Chessington World of Adventures Major Developed Site, Thames Policy Area and various open space designations.
- A broad location strategy for a future DPD and a 300 student home allocation policy for the Hogsmill Valley.
- Changes primarily to encourage rather than to require adherence to sustainable construction standards for development.
- Amendments to the wording of the gypsies and travellers policy to accord with the evidence, the London Plan, and national policy.

All but one of the changes recommended in this report are based on proposals put forward by the Council in response to points raised and suggestions discussed during the public examination. The changes do not alter the thrust of the Council's overall strategy.

Introduction

1. This report contains my assessment of the Royal Borough of Kingston upon Thames Core Strategy (CS) Development Plan Document (DPD) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004. It considers whether the DPD is compliant in legal terms and whether it is sound. Planning Policy Statement (PPS) 12 (paragraphs 4.51 and 4.52) makes clear that to be sound a DPD should be justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the Publication Version of the CS (January 2011) together with the minor changes accepted by me at the Pre Hearing Meeting on 21 July 2011 as set out in the Council's Submission Version of the CS (CSD 10/26).
3. My report deals with the changes that are needed to make the DPD sound and they are identified in bold in the report (such as **CC** for Council Change), with a reference number identifying the exact change, e.g. **CC11**. All of these changes have been proposed by the Council and are presented in Appendix A. The one change that I recommend is set out in Appendix C as **IC1** (**IC** for Inspector Change). None of these changes materially alter the substance of the plan and its policies, or undermine the Sustainability Appraisal (the SA) and the participatory processes undertaken.
4. Some of the changes put forward by the Council are factual updates, corrections of minor errors or other minor amendments in the interests of clarity. As these changes do not relate to soundness they are generally not referred to in this report although I endorse the Council's view that they improve the plan. These are shown in Appendix B. I am content for the Council to make any additional minor changes to page, figure, paragraph numbering and to correct any spelling or formatting errors prior to adoption.
5. The Council has subsequently publicly consulted upon all the minor amendments, as well as the soundness changes. The more significant soundness changes have also been the subject of SA. I have taken the consultation responses into account in writing this report.
6. During the Examination the Government published the consultation draft of the National Planning Policy Framework (NPPF, July 2011). When published in its final form the NPPF will replace all Planning Policy Guidance Notes (PPGs) and PPSs. An opportunity was provided for all parties to comment on the implications of the draft for the soundness of the CS, and I have taken account of the responses made. I consider that the draft NPPF has little weight at this stage in assessing the CS because it is draft and so might be changed.
7. Unfortunately, the CS refers to specific titles of documents containing Government policy, even though those publications are likely to be superseded within the plan period by the NPPF. This inflexibility could make the CS policies become rapidly out-of-date and ineffective, and so the Council's series of changes (**CC1**) to refer instead to development being assessed in accordance "with national guidance" would overcome that unsoundness. As it prepares the CS for adoption, where the Council finds other such examples

which need to be similarly altered then they should be changed accordingly.

8. The Council undertook a detailed assessment (CSD 15/07) of the policies in the CS against the requirements set out in the ministerial statement of 23 March 2011 by the Rt Hon Greg Clark MP on "Planning for Growth", which deals with how the planning system has a key role to play in the Chancellor of the Exchequer's plans for the British economy. The statement urges that priority should be given to sustainable economic development and jobs. The Council concluded that the CS is consistent with the ministerial statement and will deliver its key aspirations and requirements. I agree.
9. During the Examination the London Plan (the LP) was adopted. The CS has taken account of the key provisions of the emerging LP, and the Council has proposed minor typographical changes throughout the CS to refer to its new title and status. The Greater London Authority said in a letter dated 29 June 2011 (CDS 15/15) that provided two key soundness changes were made, then the CS would be in general conformity with the LP. The prime changes were specifically identifying passenger transport on the River Thames and aligning the CS10 housing delivery policy and text to the LP requirements (on density, numbers and affordable rent). I agree that these suggested changes at **CC2** are necessary for soundness.

Assessment of Soundness

Overview

10. The CS is one component of the Local Development Framework, alongside the London Plan, the Kingston Town Centre Area Action Plan (AAP) and the South London Waste Plan. There are four Neighbourhood areas defined in the CS where change will be limited, but within these Neighbourhoods are three Key Areas of Change where key sites and local changes are promoted. The Key Areas therefore - with one exception - set out priorities for improvements and indicative areas for development. The one exception is the Kingston Town Centre Key Area of Change where that work has already been carried out in the adopted AAP. In addition, the Council will be preparing Community or Neighbourhood Plans to take forward the various existing strategies in the CS.
11. A range of 'thematic policies' are designed to deliver the CS's Vision and Objectives, either through strategic policies (the 'CS' policies) or through more detailed Development Management policies (the 'DM' policies). There are few large sites in the Borough, apart from those already dealt with in the AAP, and delivery of the CS is reliant upon development being brought forward on many small sites. So the CS does not generally include site allocations (except at Hogsmill Valley) but instead identifies broad locations and priorities for development.
12. Those sites with the potential for development have been identified by the Council as 'opportunity sites' in its evidence base, primarily in the Strategic Housing Land Availability Assessment (SHLAA) and the draft LDF Delivery Plan (see below). These will be implemented through a proactive Development Management process, including the production of site briefs or Supplementary Planning Documents. Many of those, especially the major and important sites, either have planning permission, have development briefs, or the Council have

already had discussions with landowners and/or developers. They are, in effect, already known and identified for the required development.

13. The CS is supported by an extensive evidence base, which has been added to and updated during the course of the Examination. It includes an Infrastructure Delivery Plan (CSD 11/54), which primarily sets out the key infrastructure requirements to ensure the delivery of development, and a draft LDF Delivery Plan (CSD 10/20) which gives a detailed outline of the *“how, where and when”* the CS will be delivered, including the opportunity sites.
14. Unfortunately, the CS does not adequately explain all the above, and it is consequently unclear about the relationships between its various parts and how development proposals would be determined. This throws into doubt both its effectiveness and deliverability over the plan period because of uncertainty. The Council recognised this and suggested a series of inter-related changes which overcome the unsoundness. These changes (grouped together as **CC3**) add a flow-chart Figure early on in the CS to show how its strategy and policies are linked together with the LDF Delivery Plan and the Infrastructure Delivery Plan to ensure its implementation through the Council's Development Management service. Text is also added throughout the Neighbourhood and Key Areas of Change sections which refer to a fuller explanation of this in section 8 on Implementation and Delivery.
15. The Council has proactively undertaken community engagement as an important tool to identify local people's needs, and has worked in partnership with key delivery agencies, landowners and developers. It has undertaken a series of local meetings and exhibitions, as well as distributing thousands of letters and brochures during the preparation of the CS. This “bottom-up” approach to the planning of the Borough has been a key element of, and influence on, the CS's preparation for its strategy and policies. Although concerns were expressed about some aspects of public consultation and participation, notably about the Hogsmill Valley area, I am satisfied that the Council has properly carried out the specified procedures.

Main Issues

16. Taking account of all the representations, written evidence and the discussions that took place at the Examination hearings I have identified seven main issues upon which the soundness of the CS depends, and these follow the order of their appearance in the CS.

Issue 1 – Whether the Vision and Objectives are sufficiently clear, locally distinctive and specific, and thus effective

17. The CS has a clear Vision based upon the Borough's Sustainable Community Strategy (the Kingston Plan), the London Plan, national guidance, and an evidence-based assessment of the Borough's needs and situation both now and throughout the plan period. There is no substantial evidence to suggest that additional issues need be identified, and there are no specific cross-boundary issues. The Vision outlines the spatial development of the Borough and its strategic priorities, and provides a clear and sound basis for the Objectives and policies of the CS.
18. However, the Objectives are vague and lack a locally distinctive or specific

focus. It is not apparent that they provide the necessary strategic direction or guidance for the policies in the CS, which could make the policies less effective than they should be. The Council acknowledged this soundness concern and submitted a change (**CC4**) to remedy it by setting out more specific Objectives and guidance based on information already in this section and in other parts of the CS.

19. The Council's vision and intention is for all the policies in the existing Unitary Development Plan to be superseded by the CS (its paragraph 2.6). However, the CS does not set out, as legally required, a list of those existing saved policies which will be superseded. The Council put forward a change at **CC5** to list the superseded policies in a new Annex 4 to rectify this unsoundness. Other than the above, the Vision and Objectives are sound.

Issue 2 – Whether the policies and proposals for growth and change in the four Neighbourhoods and three Key Areas of Change are appropriate and justified by the evidence, and are clear and deliverable

Neighbourhoods and Key Areas of Change

20. The CS divides the Borough up into four Neighbourhoods which reflect existing local government administrative divisions in the Borough – Kingston Town, Maldens and Coombe, South of the Borough, and Surbiton. Within the Neighbourhoods the CS identifies three Key Areas of Change at Kingston Town Centre (already dealt with by the adopted Kingston Town Centre AAP), Hogsmill Valley and Tolworth where development changes are concentrated into sustainable locations.
21. Each of the Neighbourhoods and Key Areas of Change has a "Local Strategy for Delivery" section which the Council said was intended to be policy but, even so, was not intended to be formal CS policies. These sections mixed up policy, reasoned justification and did not clearly set out how they would be delivered. Regulation 13 of the 2004 Regulations says that policies and the reasoned justification must be clearly identified – here they are not. And the CS is unclear on how its policies are to be implemented and delivered. These sections of the CS are not effective and so they are unsound.
22. The Council's suggested changes at **CC6** to each local strategy Neighbourhood and Key Areas of Change section resolve this unsoundness by re-ordering and grouping together the policy requirements, the reasoned justification, and delivery mechanisms so that they are clearly separated and understandable. Beyond this, the changes are primarily one of altering the English (e.g. tenses) as a consequence of the re-ordering. However, there are some more far reaching changes which I deal with next.

Maldens and Coombe Neighbourhood

23. Two significant soundness changes are the updating of the Council's plans for educational and community provision in the Maldens and Coombe Neighbourhood. For education this involves making clear that expansion (rather than remodelling) of particular schools is proposed, deleting the potential co-location of two schools, and the inclusion of a new primary school off California Road. For community facilities it involves the deletion of a reference to The Crescent and Causeway Resource Centres. These suggested

changes (**CC7**) are necessary for soundness in order to make the CS implementation clear and so effective.

South of the Borough Neighbourhood

24. Chessington World of Adventures (WoA), a theme park in the Green Belt, has a defined Major Developed Site (MDS) boundary flowing from the CS into a delineated boundary on the Proposals Map. Unfortunately, the policy does not state that the MDS boundary is to be shown on the Proposals Map, and it sets out its own interpretation of Government advice in PPG2 which suffers in clarity due to its brevity. It also does not indicate how future development would be supported or planned in the future. This makes this part of the CS unsound as it is not effective or consistent with national policy, but the Council's suggested changes at **CC8** remove these unsoundnesses by deferring to national policy and indicating that future development at the WoA will be handled in a separate planning document.
25. Government advice in PPG2 on Green Belts says that an MDS boundary should define "*the present extent of development*" (Paragraph C3). Therefore, any MDS boundary should not include the open land beyond the development limits at Chessington WoA, much of which open land is grassed and treed and presents a countryside appearance. Other parts of Annex C to PPG2 deal with the criteria for assessing development proposals and not with how a MDS boundary is defined. I was told of other examples where MDS boundaries include open areas of land, but I do not know the exact circumstances or reasons why that course of action was chosen in those cases.
26. Using the above PPG2 criterion, it was clear from my site visit that a number of presently developed areas were not included within the MDS boundary. These were a T-shaped area of land west of the bus terminal/car park's boundary, leading from it up to the original House; the Wanyama Village buildings and the immediately adjacent animal pens and accesses on the western edge of Chessington WoA; the North Car Park and bus terminal parking area (now largely used for staff parking) next to the A243. These are shown respectively as Option sites 1 to 3 the Council's proposed Proposals Map extract prepared during the Examination.
27. The T-shaped area of land is enclosed by theme park structures, including entrance booths and the monorail, and the car park to the east. It is crossed by tarmac paths and used for various displays of animals associated with the theme park. It is an integral part of the developed area. The Wanyama Village has a number of buildings, outdoor pens with fences, and accesses which are part of the public theme park. It is clearly a developed area, even if it fits well into the Green Belt landscape. The car parks are surfaced with tarmac with marked out spaces and contain a number of associated street lights, fences, entrance/exit barriers and signs. They also are development in the planning sense. None of this means that these areas can automatically be built upon – any proposed development would currently have to comply with the criteria in PPG2 Annex C. But they do form part of the present extent of development and so should be within the MDS.
28. The Council's present interpretation of the effect of the CS policy for the South of the Borough Neighbourhood excludes these three pieces of land from the

Proposals Map MDS boundary. The CS policy would therefore be unsound as the MDS boundary would not be consistent with national policy. However, provided Option sites 1 to 3 are included within the Chessington WoA MDS boundary, then the CS policy for this Neighbourhood would be made sound. At a very late stage in the Examination additional minor areas including access roads, an area by the hotel, and a waste and recycling site were advocated to be included within the MDS, but the evidence that these areas comply with the PPG2 criterion has not been convincingly made.

Surbiton Neighbourhood

29. Representors said that the Thames Water Filter Beds had not been correctly shown as being within Metropolitan Open Land (MOL) on Figure 9 and the Proposals Map; that the implication of the CS was that development would be permitted there; that the details of a proposed public footpath should be later resolved taking account of biodiversity and nature conservation interests; and that the environmental safeguarding of the Filter Beds had not been clearly stated. I agree with these concerns, as did the Council at the hearings, and because of them the CS would be unsound due to lack of clarity and effectiveness. The Council's suggested changes (**CC9**) would correct these unsound matters in the CS. And provided that the Council alter the Proposals Map as shown to indicate the Filter Beds as MOL, then this aspect of the CS would be sound.
30. The Council said at the hearings that the development of Surbiton Hospital mentioned in the CS now had planning permission and that construction work was underway. As it is no longer a proposal but is being implemented, I agree with the Council that it should be reported as such in the CS as otherwise its status is unclear and thus the CS would be ineffective (**CC10**). For similar reasons, the Council's suggested changes (**CC11**) to reflect its actual future plans for Hollyfield Secondary School (expansion rather than remodelling) and for the potential Community Hub to be at Sessions House (rather than Surbiton Hospital) need to be made for soundness.

Hogsmill Valley Key Area of Change

31. Many representors were concerned about the Hogsmill Valley Key Area of Change, which the Council clarified at the hearings was a specific strategic allocation in the CS. At the hearings Thames Water made it clear that it would not release its land holdings for development as it needed to retain them for operational purposes for the next 30 to 40 years, far beyond the plan period. Thames Water said that open uses, such as recreation and sport, might be acceptable, but only on short-term leases.
32. This is important because a large part of the CS Hogsmill Valley development proposals were to be located on this Thames Water land. These included around 1000 of the proposed 1300 student homes for Kingston University, some housing along the north side of Lower Marsh Lane, some relocated allotments, and other sports areas. Thus, the building elements of these proposals could not now go ahead as proposed in the CS.
33. Representors also queried the potential ecological and wildlife impact of the proposals on the area, much of which is designated in the CS as Sites of

Importance for Nature Conservation (SINC), the potential highway impact, potential odour problems from the nearby sewerage treatment works, and the need for student accommodation of the size proposed.

34. It was established during the Examination that there was also uncertainty over whether AFC Wimbledon would take up the CS proposal for a new stadium; a lack of information on the timing of the proposals' implementation; a lack of information on the economic / financial viability; and a lack of flexibility in the CS policy to deal with possible changing circumstances if parts of the development cannot be implemented at indicated times. These are all serious matters which mean that the submitted CS policy on Hogsmill Valley is unsound. However, during the Examination the Council provided further information on these points and suggested changes, which I deal with next.
35. The Council said that it had not carried out an ecological impact study on Hogsmill Valley, and in particular it had not assessed the impact of the proposed CS development on the SINC's. I am satisfied that on the available evidence the Council has correctly identified the SINC areas. The Council said that sufficient studies had been carried out in general and for specific past proposals (e.g. around 2003/4 for additional student housing at Clayhills) to give it confidence that the CS proposals would not have an adverse impact. Representors produced various past studies of ecological flora and fauna (for example, about bats) and it is clear that this is an area with a high wildlife value which is used by animals for foraging along the river corridor. This, together with the SINC designations, means that without an ecological impact study the evidence base does not justify the CS's development proposals here. The evidence produced by the Council was very limited and out-of-date and so of little weight.
36. The Council produced a highways impact study which covered both the CS proposals and a smaller one of just 300 student homes at the Clayhill Hall of Residence. Representors queried various technical aspects such as the location of traffic counts, the historic traffic information basis, times of trips, and modal split assumptions. However, I am satisfied that the information and assumptions on which the study is based are reasonable, robust and sufficiently up-to-date such that it is reliable so far as the principle of this development is concerned. The study showed that the Council's proposal to make the student homes (existing and proposed) in essence car-free (except for servicing etc.) would in both scenarios be acceptable.
37. In the case of the CS proposal, the development would not increase traffic along Lower Marsh Lane and the surrounding road network to the point that it would be unacceptable on highway safety grounds. For the smaller 300 student homes development on its own the study shows that a reduction in traffic flows along Burney Avenue and the network in general would result. I appreciate that the highways impact study is brief and flawed in some minor aspects, but that does not detract from its key findings above. Further highways studies at the planning application stage may well result in the need for localised road improvements and controlled parking zones, but that is not to say that the principle of the CS development is unacceptable.
38. Thames Water had carried out an odour study in 2006/7 concerning smells from its sewerage treatment plant in the valley, but did not release it. The

weight that I can give it is therefore limited because I have not seen it and it has not been tested at the hearings. However, Thames Water said that it was concerned that much of the CS's proposals, such as the bulk of the student housing, lay within an area of 2 odour units (on a scale of 0 to 10, where 10 is the worst) which should be avoided, and that mitigating such odours at source would be prohibitively expensive. The site of the 300 student homes would be around 3 or 4 odour units, whilst areas further north (such as site 6 on CS Figure 11) would be around 4 or 5 units. Local residents produced numerous detailed complaints of bad smells over the last 12 months and gave personal evidence of them.

39. The Council said that it had not received many complaints, but acknowledged that there had been a temporary local problem at the works when it had been receiving waste from another temporarily broken-down plant. Its Environmental Health Officer and the odour specialist from the Agricultural Development Advisory Service said that an odour unit of 2 was a very cautious approach for residential development; that mitigation of smells could take place at receptor buildings by use of air conditioning etc.; and that people rarely complained at even around 5 odour units. It considered that the 300 student homes would be acceptable due to the site's distance from the works, the limited time of occupation, and that mitigation of smells could be provided within the buildings (such as by air conditioning and/or filtration). Thames Water agreed with that assessment and so do I.
40. It is clear that there are problems with smells from the sewerage treatment plant and that local residents have suffered in the recent past. But there was a conflict in the scientific evidence that was presented and in its interpretation. What is clear is that the Council has not carried out its own study on odour, and that the only other study (by Thames Water) is not available for examination or questioning by representors.
41. As a matter of principle, homes and schools should not be placed in areas where people's ability to live, learn and play is significantly hampered by adverse environmental factors. If there is an odour problem, then the technical solution should be convincing and not unacceptably restricting in its impact on normal living conditions. The Council's evidence on odour consisted primarily of assertions not based on local specific evidence, albeit by experts, and it has not proven the case for allocations in the CS wider than the 300 student homes. It is, however, sufficient to justify further research on development locations and odour mitigation within Hogsmill Valley.
42. On the need for student accommodation, the Council produced a number of studies produced over recent years by Kingston University. Despite criticisms, some relating to the alleged damping of demand due to tuition fees, the amount of demand for University accommodation is so large (around 2,500 units) that the amount proposed in the CS (1300) is reasonable and robust. Moreover, the studies show that the University provides significantly below the levels of accommodation at other comparator universities.
43. The Council produced a financial viability study for the CS proposals during the examination, together with a smaller version for the 300 student homes on University land. The figures in the larger study were redacted in order to hide land values and land receipts for some landowners, and the calculations were

'broad brush'. This considerably limits the weight that I can give to this evidence. As is widely known, it is a feature of residual land valuations that comparatively minor adjustments to the constituent figures can have a major effect on the result. Representors cast doubt on a number of the constituent figures, particularly the per square foot residential market value. The evidence for the CS proposals is therefore not convincing on financial viability. However, the 300 student homes viability calculation shows that these are likely to be robustly viable, bearing in mind that the University owns the site and even though the cost of replacement open space was not included.

44. The Council wished to continue with its CS strategic allocations at Hogsmill Valley, and argued that this would provide a long term vision with clear proposals for comprehensive improvement of the area, giving continued certainty and momentum for development after long stakeholder discussions. But this is not possible if only for the key reason that the proposals cannot be delivered as the prime landowner, Thames Water, will not release the required land during the plan period. In addition, the evidence base (ecological, odour and financial viability) does not justify the proposals. Moreover, the recreation and sports hub proposals north of the river are dependant on AFC Wimbledon deciding to implement the proposed new stadium, and that is by no means certain as AFC Wimbledon is also considering relocating to a different site in Merton. All these effectiveness and justification failures and uncertainties mean that the CS Hogsmill Valley strategic allocation, despite the understandable importance the Council places upon it, would be unsound.
45. The Council put forward an alternative policy (**CC12**) for Hogsmill Valley (which was the subject of SA and public consultation) which made a strategic allocation for the 300 student homes on University land (with necessary associated open space), de-designated that land as MOL, and made a 'broad location' for the other uses which would be the subject of further investigation and designation in a separate, future DPD. This provides for flexibility in dealing with the many issues that need to be resolved before any development can be committed here. It also inserts the safeguarding of the Villiers Road waste site so that it accords with the emerging South London Waste Plan. The same change reference also alters all the relevant Figures in the CS to comply with the changed policy, including its MOL and other boundaries.
46. Flowing from these changes, an explanation (**CC13**) needs to be inserted into the text to policy CS15 setting out how, given the loss of some 1000 student homes proposed at Hogsmill Valley, the University's future student accommodation needs would be handled by the CS through the development management process at targeted sustainable locations (Kingston Town Centre, Tolworth and Surbiton district centre). The evidence base did not justify a more detailed or prescriptive policy than this, although it is open to the Council in the future to produce a further Plan focussed on student accommodation within the Borough. Without this change the CS would be unsound as it would not explain how the student homes would be delivered.
47. This is the most sensible option for deciding the future of Hogsmill Valley in the light of the identified soundness issues. Other later suggestions for development options from the public consultation process on the suggested changes were not adequately justified by evidence. This 'broad location' option would provide certainty for at least the justified and deliverable 300

student houses; some certainty for the direction of future development in the area; a breathing space for the Council and other partners to plan development in the light of landowners' and key stakeholders' intentions; allow the time to produce the further necessary evidence before deciding development options and MOL boundary changes; and give an opportunity for local people to be fully involved in the way development is shaped as a result. It would, in short, make the CS policy for Hogsmill Valley sound.

48. But there is one other necessary action needed to make this policy sound. The 'broad location' policy would also mean that the Council would have to alter the Proposals Map to show the policy's geographical implementation. This would include a red line allocation for the 300 student homes and its necessary removal from MOL, and the indication of the broad location area of search around the Valley. Provided this is done as the Council showed on its Proposals Map inset plan produced during the Examination, then the CS policy for Hogsmill Valley would be sound.

Tolworth Key Area of Change

49. The London Plan has an existing Strategic Rail Freight Site at Kingston Road, Tolworth which is not mentioned or protected in the CS. This makes the CS unsound as it would not be in general conformity with the London Plan or effective. The Council's suggested change at **CC14** deals with this unsoundness by inserting appropriate CS text and map symbols on the Figures. The Freight Site must also be designated on the Proposals Map to make the policy sound and provided the Council does this as it has already shown then the policy will be sound.
50. The Tolworth Neighbourhood CS proposals are quite complex and have been the subject of a number of previous studies by the Council. They will be guided in the future either by a Community or Neighbourhood Plan or through the Annual Implementation Plan. But the CS does not clearly say this and it leaves unclear how all the various policies and potential development sites would be delivered. This makes the policy unsound as it would be ineffective, and so the Council's previously described CC3 change to place this explanation into the CS will correct this.
51. Taking account of the recommended changes, the CS's policies for the Neighbourhoods and Key Areas of Change are sound, being based on robust evidence, effective, and consistent with national policies.

Issue 3 – Whether the policies on sustainable construction, climate change, the natural and green environment, sustainable travel, design (including character and heritage), and waste are consistent with national policies, and are justified and effective

Climate Change and Sustainability

52. Policies CS1, CS2 and DM1 to DM4 aim to locate developments in accessible locations and to make the most efficient use of resources with high standards of environmental performance in construction and energy saving/usage. The London Plan seeks to achieve an overall reduction in London's carbon dioxide (CO₂) emissions of 60% by 2025, and sets out targets for achieving this on major developments. It says on sustainable construction that boroughs

should consider more detailed policies based on its principles and the Mayor's guidance, but it does not require particular standards.

53. National policy in the PPS1 supplement on *Planning and Climate Change* says that when proposing local standards for building sustainability in advance of those set out nationally that the local circumstances that warrant and allow this should be clearly demonstrated (paragraph 31). It goes on to say in paragraph 33 that such local requirements should be tested to ensure that what is proposed is evidence-based and viable, having regard to the overall costs of bringing sites to the market, and the need to avoid any adverse impact on the development needs of communities. It should not inhibit the pace of housing development set in the housing trajectory or the provision of affordable housing.
54. Policy DM1 requires new residential development to achieve the Level 4 standard of the Code for Sustainable Homes (CfSH) up to 2016, and then Level 6 thereafter. It also requires non-residential buildings to reach the BREEAM 'Excellent' standard up to 2013, and then the 'Outstanding' standard thereafter. The Council said that these requirements would achieve the London Plan's CO₂ targets.
55. The CfSH is voluntary and not mandatory. The Council's justification for the CfSH levels centres on the CO₂ emissions from housing developments and in this respect justifies policy DM1. However, the categories within the Code cover other aspects of sustainability for which little justification has been provided – water consumption, environmental impact of materials, surface water run-off and waste – and so the policy is unsound.
56. Viability evidence is also lacking for the BREEAM requirements in that there is no justification of the CO₂ emissions or evidence of the consequential overall costs of bringing sites to the market. For instance, for offices the Council's evidence (CDS 11/10) is that the BREEAM 'Excellent' standard would add a 17% increase to build costs, and that the 'Outstanding' standard would double that (to 34%), and that the latter would amount to around 18% of sales value – all of which could conceivably be a brake on delivery. Whilst there is evidence justifying market and affordable homes viability (CDS 11/26, 28 & 29), this is limited to CfSH Level 4 only, and not to Level 6. Therefore, policy DM1 is also unsound because of this lack of justification for these aspects of the policy's requirements.
57. In order to correct this unsoundness I recommend that policy DM1 is altered (**IC1**) so that the requirement for residential developments is that they meet the energy/CO₂ sustainability categories and so comply with the London Plan targets, but that in other CfSH categories developments are solely encouraged to meet them. There are other policies in the CS which will assist with the Council's concerns in these CfSH categories. For BREEAM the lack of robust evidence means that for non-industrial buildings the policy should only encourage and not require compliance for all new buildings, extensions and renovations.
58. Policy DM1's requirements on materials and labour are not justified, would be difficult to deliver, and are best dealt with by other means, such as in the CfSH, and so are unsound. The Council's suggested change **CC15** deletes

them. Policy DM1 seeks to 'minimise' air, noise and contaminated land impacts, but this could be onerous, hamper delivery and so ineffective. The Council's change (**CC16**) substitutes the acceptable and commonly used term of minimising these impacts 'in line with industry best practice'.

59. The remaining parts of policy DM1 and policies CS1, CS2, DM2, DM3 and DM4 are sound, as they are based on evidence which justifies them, are effective, and are consistent with national policies.

Natural and Green Environment

60. The Council has carried out a comprehensive assessment (CSD 11/2) of supply and demand for open space within the Borough in accordance with Government advice. The assessment did not identify any surplus in public open space, and instead showed that the Borough will need to retain and use all existing open space more effectively and to create additional areas. Policies CS3 and DM5 are therefore framed to achieve this aim, and to protect other aspects of the environment such as the Green Belt and MOL. Allotments are protected by Policy CS3, but the Proposals Map does not properly show them as being part of the CS policy. Therefore the policy is unsound because it cannot be delivered or properly implemented. But provided the Council alters the Proposals Map by showing this designation as indicated on the plan it produced during the Examination, then the policy would be sound.
61. In dealing with areas adjacent to the Green Belt policy DM5 says that development there should not have an adverse effect on openness. But that is contrary to national policy in PPG2 which only mentions potential impact on visual amenity. The Council's **CC17** change deletes the 'openness' criterion to make the policy sound in relation to national policy.
62. Policy DM6 promotes and protects biodiversity in developments as required in the London Plan, but this aim is unclear as it instead refers to providing 'beneficial features' and its explanatory text does not mention ecological assessments or the topics it should cover. The policy also applies this aim to all development rather than just to those where it would be appropriate. These faults make the policy unsound, so the Council proposed change **CC18** to correct these effectiveness and national policy failings.
63. Policies CS4 and DM7 in dealing with the River Thames use the incorrect policy name for its protection zone (it should be 'Thames Policy Area'), do not mention the Mooring Business Plan that the Council will be producing, and the Proposals Map does not show the boundaries of the Thames Policy Area. These are all soundness failings that render the policies ineffective. The Council's **CC19** changes remedy the textual soundness concerns, and providing the Proposals Map is changed to add the Thames Policy Area boundaries as shown on the Council's plan submitted during the Examination, then the policy will be sound.
64. As recommended to be changed, the natural and green environment policies (CS3 and CS4, and DM5 to DM7 inclusive) would be justified, effective and consistent with national policy.

Sustainable Travel

65. The CS policies (CS5 to CS7 and DM8 and DM9) seek to reduce the need to travel, particularly by car, and manage vehicle use on new developments. The Council wanted to show strategic walking and cycling routes on the Proposals Map, which was necessary given the evidence base which justified such designations. But these strategic routes were not related to any CS policy and so they could not be shown to be a Proposals Map geographical expression of the CS. The Council therefore proposed changes (**CC20**) to policies CS6 and DM8 to add in references to these strategic routes to make the CS effective in the light of the evidence. After another consequential soundness change to policy CS5 concerning the strategic rail-based aggregates facility at Tolworth (see above), these policies are all appropriate for the local communities concerned, are justified by the evidence, and are effective – and thus they are sound.

Character, Design and Heritage

66. Policies CS8 and DM10 to DM12 protect and enhance the primarily suburban character of the Borough, especially its areas of high quality and historic interest, and seek to improve areas of poorer environmental quality. Detailed design requirements for new developments are set out in DM10. A detailed Borough Character Study (CSD 11/23) justifies the policies. Policy CS8 does not say how tall building proposals would be assessed which makes the CS ineffective for this type of development. The Council's suggested **CC21** change inserts a clause into the policy (and reorders the policy into clearer bullet points) pointing to a future supplementary planning document on this subject and to relevant criteria in the London Plan and the English Heritage/CABE guidance, and this change removes this unsoundness.
67. Policy DM10 safeguards strategic and local views, and these have been assessed for Kingston Town. However, it was stated at the hearings that Key View 1 had been drawn too narrowly in its 'cone' of view and that it was directed towards the Guildhall and not All Saints Church. Therefore, this part of the policy would not be based on the presented evidence which would prevent its delivery, and so it would be unsound. However, it can be made sound by the amendment suggested by the Council to the Key View part of the Proposals Map.
68. Overall, with the changes above, the character, design and heritage policies in the CS are clearly expressed, justified, effective and consistent with national policy, and will provide a sound basis for the protection and enhancement of the Borough's environment over the plan period.

Waste

69. Policy CS9 deals with waste reduction and management. If the Joint Waste DPD is adopted prior to the CS then the English will need to be changed (to the past tense) as a minor alteration as sanctioned in paragraph 4 above. Apart from the change to targets in the policy and explanatory text which are necessary to achieve legal general conformity with the London Plan, the policy is sound as it is justified, consistent with national policy and effective.

Issue 4 – Whether the Core Strategy makes appropriate provision for housing needs (and their distribution), including for Gypsies and Travellers, which is based on a sound evidential assessment of supply and demand in the Borough, is consistent with the London Plan and national policies, and is clear and effective

70. The London Plan 2011 sets a requirement for Kingston to deliver at least 3,750 net additional homes during the period 2011 to 2021, or 375 net new homes per annum. Although this target is mentioned in policy CS10, it also sets out a higher target previously considered in the draft London Plan. This needs to be deleted as part of the changes required to secure general conformity with the London Plan (paragraph 9 above), and to avoid confusion which would lead to ineffectiveness.
71. The policy delineates Kingston town centre and the three district centres (Surbiton, Tolworth and New Malden) as the preferred and most sustainable locations for new housing. This has been derived from an assessment of data such as the Public Transport Accessibility Levels and the mid-point of the London Plan Density Matrix. This has led to a focus on existing centres in order to reduce the need to travel.
72. National policy (PPS3 paragraph 43) requires a Housing Trajectory in the CS, and the suggested change at **CC22** by the Council places it in a new Annex 5 with a reference to it in policy CS10's explanatory text, thereby making this part of the CS sound. The same change updates the Indicative Areas of Housing Delivery Table and large site capacity because they form part of the Housing Trajectory calculations.
73. The Borough's annual housing target is based on an assessment of the capacity of housing sites within the Borough. This was carried out as part of the London-wide Strategic Housing Land Availability Assessment/Housing Capacity Study 2009 (CSD 7/29 - the SHLAA). A substantial amount of the Borough's housing capacity has already been identified as part of the Kingston Town Centre AAP where the development of around 1,000 new conventional units and 500 student bedrooms is expected. Other sources were used, such as the AAP and other monitoring data, and partnership discussions took place with developers, landowners and Registered Social Landlords.
74. The Housing Trajectory includes small housing sites ("windfall sites" of 0.25 hectares or less) which form about 40% of the total housing capacity in the Borough. London, and Kingston in particular, is in a unique circumstance of having to rely on a large proportion of windfall sites for housing supply. Because of this and because it does not have many large development sites, Kingston has genuine local circumstances which justifies the use of windfall sites in its housing supply. In a largely suburban area like this with Green Belt and MOL under intense development pressure, small sites not included in the SHLAA have historically been important in addressing housing need. The SHLAA and the Council's own windfall analysis (CSD 11/27) have produced reliable and realistic data which justifies the level of small sites windfall contribution in its future housing supply under paragraph 59 of PPS3.
75. The Council has identified broad locations shown on the various Figures within the CS (Figures 2, 3, 4 and 19), which together form its Key Diagram, and

which are the most likely locations to deliver the required housing, although they are not exclusive. These sites will be delivered in a variety of ways as previously explained in the Overview section of this report.

76. The housing target and the Housing Trajectory are realistic and achievable over the period of the CS, with deliverable land for the first five years of the CS (and beyond) and developable sites after that period. The broad location approach means that there is flexibility in the CS which will allow developers to meet housing need in various areas through a variety of means. The Council can also bring forward sites under its own ownership if its annual monitoring of the CS shows the need to do so.
77. Policy DM13 sets out housing quality and mix, and policy DM14 resists the loss of housing, particularly family housing. Both these policies are justified, are consistent with national policy, and are effective. Thus, they are sound.
78. The Strategic Housing Market Assessment (SHMA – CSD 11/24 and 25) shows that there is a justified need for policy DM15's levels of affordable housing. The need is significant (1,738 units per annum over a five year period) and predominately arises in the Kingston Town and the Maldens and Coombe Neighbourhoods. The SHMA also suggested that 75% of households in housing need will require social rented housing due to insufficient incomes. Therefore, on sites of 10 or more policy DM15 requires 50% of the units to be affordable, a sliding scale of affordable units on sites of under 10 units, and a tenure split of 70:30 between social rented and intermediate (including affordable rented) provision.
79. The levels and mix set by the policy are subject to achieving other planning objectives and, in particular, to ensuring that housing development is not made unviable so that delivery of the needed total housing numbers is unachievable. The Council undertook an Affordable Housing Viability Study (CSD 11/26), taking account of the proposed levels (or targets) of affordable housing in the policy, as required in paragraph 29 of PPS3. This Study indicated that the policy's affordable housing levels were realistic, economically viable, and would not adversely affect housing delivery.
80. It is clear that the policy is founded on a well researched and reliable evidence base which justifies its provisions. Policy DM15 provides flexibility by allowing lower provision levels, subject to a financial appraisal. It is, therefore, sound.
81. The Government announced on 29 August 2010 its intention to revoke Circulars 01/2006 and 04/2007 concerning Gypsies, Travellers and Travelling Showpeople, and said that "the level of pitch provision should now be determined locally." A consultation was announced on 13 April 2011 by the Government which sought views on a proposed new, single Planning Policy Statement for traveller sites in England. Although this indicates the policy direction that the Government intends to proceed, it is only a draft policy and so of limited weight and it is now likely to be incorporated within the NPPF. More importantly, it does not significantly affect the soundness considerations that should be applied to the CS's relevant DM16 policy on gypsy and traveller sites.
82. In Kingston's Housing Strategy 2011-2015 (CSD 13/07), the Gypsy and

Traveller Accommodation Need Assessment identified authorised pitches in 2007 at 15 with an additional 3 underway; the minimum additional pitches required 2007-17 being 12; and the maximum additional pitches required 2007-17 being 25. None of this is reflected in policy DM16, nor does the policy say how these needs will be met. The London Plan says in policy 3.8 that gypsy and traveller accommodation requirements should be addressed by boroughs in their Plans, in co-ordination with neighbouring boroughs and districts as appropriate. Again, policy DM16 does not reflect this. Therefore, the policy is unsound as it is not in general conformity with the London Plan and nor is it consistent with national policy.

83. In addition, policy criterion a. in the policy restricts gypsy and travellers' accommodation to the same locations as those for conventional residential dwellings, but this would be unrealistic and unsound as land values in sustainable locations are higher and its effect would be to thwart site provision. In any event, policy CS10 already states that housing should be delivered in the most sustainable locations. In short, there is no evidence to suggest that deliverable sites (e.g. suitable, achievable, affordable) can be identified within the terms of policy DM16 to meet the identified needs. There needs to be a positive allocation effort for this type of accommodation.
84. The Council recognised these soundness concerns and put forward a change (**CC23**) which deleted criterion a. in the policy, and inserted the intention to produce a Development Plan within the first half of the plan period, in conjunction with sub-regional partners, to meet the needs of gypsies and travellers. This latter part of the change cannot provide greater certainty than that as the production of a joint Plan has not been agreed with neighbouring authorities. But it goes far enough to remove the identified unsoundness.

Issue 5 – Whether the strategy and policies for the economy, the provision of employment land, the retail hierarchy and the retail centres are soundly based, effective, deliverable and appropriate for this Borough

85. Kingston's main strengths are in the retail, business services, public administration, education, health and social work sectors. The Council has undertaken an Employment Land Review (CSD 11/30) and various retail studies (CSD 11/31 to 37) which are up-to-date and provide comprehensive data to justify the CS policies.
86. It is not clear from the main employment policy CS11 whether allocations are necessary to achieve sufficient employment land over the plan period. In fact, the evidence indicates that no additional employment land is required, and that protecting employment uses within the designated areas in policy DM17 will meet the needs identified in the Employment Land Review. Thus redevelopment and modernisation will provide for future employment needs, encouraged by a proactive development management process with, where necessary, the production of site development briefs. The CS needs to say this so that it is effective and sound, and this is achieved by the Council's change **CC24** which adds it into the explanatory text.
87. One of the designated protected areas in policy DM17 are Locally Significant Industrial Sites (LSIS), which are concentrations or groupings of employment premises within the built-up areas of the Borough. These, and other

designations, have been considered as part of the Employment Land Review which carried out a survey of sites and potential boundaries. With three exceptions, the sites have been correctly identified.

88. The first exception is the Red Lion Road site which the Unitary Development Plan currently identifies as a concentration of employment. However, the CS excludes it because it has access and highway safety issues. But these concerns are not uncommon to the other LSISs, and the prime criterion for inclusion as a LSIS is that there is a perceived, identifiable concentration of premises – which there clearly is at Red Lion Road as I saw during my site visit. To exclude that site is unjustified by the evidence and so the CS is unsound on this point. The Council's **CC25** change adds the Red Lion Road as a LSIS to policy DM17 (and to its relevant Neighbourhood section), and indicates that the highways concerns will be dealt with in a site brief. In addition, in order to make this part of policy DM17 sound the Council will have to add the Red Lion Road site to the Proposals Map as shown on its amended plan submitted during the Examination so as to produce that defined boundary as a geographical expression of the changed policy.
89. There were representations that the proposed St John's LSIS included retail warehouses, and that these should be excluded and placed within the adjacent Kingston Road West Local Centre (retail). On that last point, the retail units are large and do not fit into the day-to-day retail function of a Local Centre. I saw that the retail units are closely interwoven into the employment area and that trying to draw a coherent and logical boundary excluding them from the LSIS would not be achievable. The CS does not advocate that these retail premises should become industrial – only that the existing industrial premises in the LSIS should be retained. So the CS is sound on this point
90. Even so, the LSIS does include residential properties, and the London Road LSIS similarly includes non-industrial business uses such as education and residential uses. These are the second and third exceptions I mentioned which make the policy unsound in these two respects. However, this can be remedied by the exclusion of those non-industrial properties as shown on the Council's amended Proposals Map inset plans for the St John's and London Road LSISs as submitted during the Examination.
91. One of the provisions of policy DM17 to protect employment areas is that rigorous marketing has to be undertaken over at least two years. This is an inflexible provision which could prevent a quicker response to changing economic conditions, rendering the CS ineffective in its ability to react to changing economic circumstances. The Council's **CC26** change gives that needed flexibility by saying that the marketing period could be 'up to' two years, thereby giving the option of a lesser period in specific circumstances.
92. The Borough's retail hierarchy in policy CS12 is Kingston Town Centre, three District Centres (New Malden, Surbiton and Tolworth), and 25 Local Centres. The evidence base justifies the hierarchy and the boundaries of the various Centres. The Council's original interpretation of the District Centres included some designations of primary and secondary shopping frontages, but there is no policy in the CS which makes this two-fold distinction, and no evidence to justify or distinguish between these two areas (as required in Policy EC3.1 c. of PPS4). The only evidence is for primary shopping frontages. Thus, policy

CS12 is unsound because its geographical interpretation on the Proposals Map is incorrect. But provided the Council changes the Proposals Map as shown in its most recent inset plans to have just designated primary shopping frontages in each District Centre, then the policy will be sound.

93. Policies DM19 and DM20 respectively protect existing retail uses and set criteria for new retail development (within the designated Centres). They are both based on good evidence, and are effective, deliverable, consistent with national policy and appropriate. The principle retail developments will be within Kingston Town Centre (covered by the AAP) and at Tolworth and New Malden District Centres where the Council has already been in discussions with landowners and developers on already identified sites, and so no specific allocations are required. Both these policies are, therefore, sound.

Issue 6 – Whether the policies on health, safe communities, education and community facilities are appropriate to meet the community's needs, justified, consistent with the London Plan and national policies, and effective

Health

94. Improvements are required to GP and other health premises throughout the Borough to meet modern requirements and standards. Policy CS13 commits the Council to working with its local strategic health partners to improve both facilities and health outcomes. Locations in need of improved GP premises, hospitals, dentist premises, pharmacies and optical services are identified. But neither the policy nor its text explain how these improvements are to be achieved, and this is a soundness failing as the policy is otherwise ineffective.
95. The Council therefore put forward a suggested change at **CC27** which adds detail in the explanatory text on how and when the improvements will be carried out. This sets out the proposed plans (with dates) for hospital improvement and broad areas of search for other health improvements, which will be implemented by expansion / improvement of existing premises or by searches for new sites, possibly as part of a larger mixed use site. Annual monitoring and regular updating of the LDF Delivery Plan is an integral part of the process. Given the current uncertainties in health organisation and funding this is the most that can be achieved in the CS and it is sufficient to make the policy sound and as effective as it can be.
96. Policy DM21 resists the loss of existing healthcare facilities and sets out the criteria for new ones, as well as promoting healthy eating and assessing the health impact of all major developments. It fulfils the soundness criteria.

Safe Communities

97. Policy CS14 and DM22 together aim to improve community safety, particularly in relation to crime. However, part of DM22 duplicates other legislation (Licensing Act 2003 and Health and Safety) by seeking to assess developments on the basis of licensing controls (alcohol), and on the storage and processing risks of hazardous and flammable materials. Whilst some aspects of these are material considerations, some are not and some are not matters for the decision of the local planning authority. These therefore need to be deleted in order for the policy to be sound, which is achieved by the

Council's change **CC28**. The change also spells out two key aspects of licensing controls that are important planning considerations and so necessary for policy effectiveness, namely the location of the premises and crime prevention measures. With these changes the two policies are sound.

Education

98. Education development needs within the Borough are dealt with by policies CS15 and DM23. These aim to identify sites and expansion opportunities (e.g. on existing sites) for Kingston University, Kingston College and for schools, and include assessment criteria. I have already mentioned the need to explain more clearly how student accommodation will be handled as a result of the Hogsmill Valley development changes to the CS (CC13). Unfortunately, the CS is unclear on what the other new educational development needs are or where they might be located, or how (and when) they might be achieved. There is some explanation in the text of the CS, but it transpired at the hearings that this was out of date. There is considerable uncertainty in the education sector as to the level of future funding for development and when it might be available. Nevertheless, without some information on these key aspects, even if only for the short-term, the policies are unsound as they do not deliver their aims and so are ineffective.
99. The Council re-wrote as a suggested change (**CC29**) some of the CS's explanatory text to provide current information on the above points. Given the inherent funding uncertainties, the change goes as far as possible in answering, at least in the short-term, the 'what, where, when and how' of the policies, and so it makes them sound. Future monitoring and later versions of the LDF Delivery Plan and Neighbourhood Plans will need to 'flesh out' how the two policies will work in the middle and later parts of the plan period.

Community Facilities

100. The general location of future community facilities to meet local needs is set out in policy CS16, (i.e. within identified Centres) and how it will be provided. It was explained during the Examination that the detail will be resolved in future Neighbourhood / Community Plans, but this method of implementation is not in the CS and so the policy is unsound. The Council's **CC30** change rectifies this unsoundness by inserting that information in the CS text.
101. Policy DM24 protects a wide range of existing community facilities, subject to a criteria-based assessment of any proposals to remove them in point a. However, the reason for the protection of such facilities (local needs) and the London Plan policy on the matter is not explained in the CS, and so it would be ineffective and unsound. The Council's **CC31** change adds this explanation into the CS text. With these change, these two policies are effective, justified and consistent with national policy, and so are sound.

Issue 7 – Whether the mechanisms in the Core Strategy for monitoring and implementation are sufficiently clear, detailed, and meet national policy requirements

102. At the end of each section of the CS is a monitoring and performance table, which relates key indicators and targets to the specific policies in the section and also to the relevant CS objectives. The tables lack detail because key

indicators, timescales and targets are not clearly set for each policy. These deficiencies render the monitoring ineffective and unsound. Some of the indicators refer to national Core Output Indicators which were withdrawn by the Parliamentary Under Secretary of State, Bob Neil MP, on 30 March 2011. It is now a matter for each council to decide what to include in their monitoring reports whilst ensuring that they are prepared in accordance with relevant UK and EU legislation.

103. The Council recognised all these soundness concerns and so submitted an amended monitoring scheme (suggested change **CC32**) to alter appropriately all the monitoring and performance tables throughout the CS.
104. In line with paragraph 4.4 of PPS12, the revised monitoring and performance changes shows for each policy (as far as is practicable) what and when will take place to ensure effective delivery. This will enable transparent and effective monitoring. 'SMART' targets have been set having regard to the availability of data and to the Council's resources. These suggested changes are reasonable and appropriate, and they secure soundness in terms of effectiveness.
105. On implementation, I have already mentioned the necessary detail to be added to section 8, the LDF Delivery Plan and the Infrastructure Delivery Plan. Together with policies IMP1 to IMP4 (and the Infrastructure Delivery Schedule), these set out how the CS will be implemented by detailing what and when sites will delivered, and they give reasonable certainty that the infrastructure will be available. The monitoring and updating of the two Delivery Plans are an integral part of the CS's implementation as it progresses. Together, these provide a deliverable CS which can be implemented with certainty during the first part of the plan period, and which has the confidence and good probability of being implemented during its later periods. The CS, and its implementation policies, is therefore sound.

Legal Requirements

106. My examination of the compliance of the Core Strategy with the legal requirements is summarised in the table below. I conclude that with the necessary changes the Core Strategy meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Core Strategy is identified within the approved LDS March 2009 (CSD 9/03) which sets out an expected adoption date of March 2012. The Core Strategy's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI (CSD 9/01) was adopted in January 2007 and consultation has been compliant with its requirements, including the consultation on the post-submission changes.
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report of December 2010 (CSD 11/17) sets out why AA is not

	necessary. This is confirmed and agreed in the letter from Natural England of 20 December 2010 (CSD 15/08).
National Policy	The Core Strategy complies with national policy except where indicated and consequential changes are recommended.
The London Plan (LP)	The Core Strategy is in general conformity with the LP except where indicated and consequential changes are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the Kingston Plan of March 2009 (CSD 13/02), which is the SCS.
2004 Act and Regulations (as amended)	The Core Strategy complies with the Act and the Regulations.

Overall Conclusion and Recommendation

107. I conclude that with the changes proposed by the Council as set out in Appendix A, and the change that I recommend as set out in Appendix C, the Royal Borough of Kingston upon Thames Core Strategy DPD satisfies the requirements of s20(5) of the 2004 Act and meets the criteria for soundness in PPS12. Therefore I recommend that the plan be changed accordingly. And, for the avoidance of doubt, I endorse the Council's proposed minor changes as set out in Appendix B.

David Vickery

Inspector

This report is accompanied by:

Appendix A (separate document): the Council's Changes that go to soundness

Appendix B (separate document): the Council's Minor Changes

Appendix C (attached): Changes that the Inspector considers are needed to make the plan sound

Appendix C – Changes that the Inspector considers are needed to make the plan sound

These changes are required in order to make the Core Strategy (CS) sound.

The changes below are expressed either in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text.

The page numbers and paragraph numbering below refer to the submission CS, and do not take account of the deletion or addition of text.

No.	Page	Policy/ Paragraph	Change
IC1	73	DM1	<p>The Council will require all new residential developments to achieve successively higher levels of the Code for Sustainable Homes Level <u>category for energy/CO₂</u> in accordance with the following timeline:</p> <ul style="list-style-type: none"> • Up to 2016: Code for Sustainable Homes Level 4 • From 2016: Code for Sustainable Homes Level 6 <p>Major developments should meet Code level 5 from 2013.</p> <p><u>Residential developments are encouraged to meet the other Code for Sustainable Homes Level categories (water, materials, surface water run-off and waste) as well.</u></p> <p>Where appropriate other new build developments over 500m² including conversions, refurbishments, extensions and changes of use must <u>are encouraged</u> to achieve higher levels of the appropriate BREEAM standard in accordance with the following timeline:</p> <ul style="list-style-type: none"> • Until 2013: BREEAM 'Excellent' • From 2013 onwards: BREEAM Outstanding <p>Buildings that are undergoing refurbishment or extension, but where the alterations are too small to be assessed under BREEAM will need <u>are encouraged</u> to comply with the policies for existing buildings set out in the Council's Sustainable Design and Construction SPD.</p>