

Ealing Council: Planning For Schools DPD Examination in Public

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Dear Samantha Powell

INSPECTOR'S INITIAL QUESTIONS AND OBSERVATIONS ON THE SUBMITTED PLANNING FOR SCHOOLS DEVELOPMENT PLAN DOCUMENT

As you know, I have been appointed to examine the Planning for Schools (PfS) document. After the reading through the submitted documents, I have a number of initial observations which are set out in the attached paper. These observations are based on my reading of the submitted documents and some of the accompanying evidence base and as such are intended to identify some preliminary areas where additional action and clarification would helpfully ensure the examination of the PfS proceeds efficiently and effectively. On further reading of the evidence base, there may be some additional issues that require clarification prior to the setting of those matters and detailed questions that will be explored through hearing sessions. If further areas of clarification arise I will communicate these via the Programme Office as soon as possible, however, I would be grateful for a response to each of my initial points by **Friday 21 August 2015**.

The Council has incorporated a number of what it describes as "minor and technical changes" to the publication document in response to some of the representations made during the pre-submission consultation. These changes are usefully presented in document SD4. I would like the table of proposed modifications in SD4 to be maintained as a "live" reference document, and updated as the examination proceeds.

Some of the changes in SD4 have already resulted in confirmation that a number of representations would be addressed by these amendments and this will invariably assist the examination process. However, I have also noted that those changes which relate to the detail of how sites S-EAL4 and S-ACT7 could come forward, and to the general approach to the proposed de-designation of Metropolitan Open Land, correlate to those parts of the published plan which have attracted the significant bulk of the representations.

I would therefore invite the Council to give consideration to a consultation on its suggested changes in accordance with the parameters set out at Table 3, Stage 3 on page 55 of the Statement of Community Involvement (Document Ref: SD12). In my view, a front-loaded approach would have the benefit of providing greater clarity on what constitutes the submitted plan to be examined and in turn is likely to result in a smoother path to adoption within the broad timeframe that the Council envisages.

Where, on reflection, the Council deems any of its changes to fall into the definition of a Main modification these should be considered through an accompanying update to the Sustainability Appraisal (Document Ref: SD5a), as recognised at section 17 of that document. In my view, any update need only be a brief addendum focussed solely to any Main modifications and would be available alongside the published Sustainability Appraisal document as part of any consultation on the changes.

I appreciate that organising a further focussed consultation will require a lead-in period for the Council. I would be grateful for confirmation as soon as possible, via the Programme Officer, as to whether the Council formally agrees to the suggested pre-hearing consultation on the changes to the Plan and when a consultation period would commence and finish, bearing in mind we are currently in the school summer holiday period.

Please let me know as soon as possible, via the Programme Officer, if you have any general queries on the contents of this letter and the attached paper.

A copy of this letter and the attached note, together with the Council's response, should be placed on the examination website.

Yours sincerely

David Spencer

Inspector.

INSPECTOR'S INITIAL QUESTIONS AND OBSERVATIONS ON THE SUBMITTED EALING PLANNING FOR SCHOOLS DEVELOPMENT PLAN DOCUMENT

The following points have arisen from my preliminary examination of the submitted documents. I am seeking clarification on these matters from the Council, as authors of the Plan, in the first instance.

The questions arise because I need certain points concerning the Local Plan documents to be clarified. They should not be taken as a definite indication of the relative importance of those points. My list of Matters, Issues and Questions to be debated at the hearing sessions will set out the issues which I see as critical to soundness and legal compliance.

If the full answer to any question can readily be given by directing me to section(s) of the supporting evidence, I am happy for it to be answered in that way. Otherwise, I would like a relatively brief but complete answer to each question.

INITIAL QUESTIONS

Duty to Cooperate

1. I note from the Duty to Cooperate Statement (Document Ref SD13) that there has been dialogue with neighbouring authorities. Are copies of the minutes from the various meetings in 2014 available and if so can they be placed in the examination library?

Policies and Table 4.1

2. Are there reasonable alternatives to Policies 1 and 2 that should be appraised through SA? What are the consequences against the SA objectives of a “do-nothing” option in respect of these policies?
3. What evidence is available of ongoing dialogue with the owners of proposed site S-EAL4?
4. What has prompted the Council to make the change to the approximate location of the school buildings at S-EAL4? (MC32 in Document Ref: SD4). Is the proposed change needed in order to make the document sound? Does the proposed change have any implications for the overall sustainability appraisal of S-EAL4?
5. The text at appendix 1 for S-EAL4 describes “the approximate siting of school building and associated facilities” within the red dashed line. This is shown again on the proposed changes to the Policies Map (Document Ref: SD6) which shows the balance of S-EAL4 as MOL and COS. For development management purposes, would an application for new school facilities at S-EAL4 (and similarly S-ACT2 and S-HAN1) have to be within the red-dashed line in order to be in conformity with the development plan? Or is the wider safeguarded site under Policy 1, in accordance with new paragraph 7.1 (MC22), the starting point in considering a proposal for a new school such that an alternative location which minimised the loss of MOL and playing fields (and was acceptable in all other regards) would accord with the development plan? In short, is the DPD seeking to ‘fix’ the location of school

facilities on wider sites or is the red-dashed line area to be regarded as 'indicative'?

Viability

6. How do the proposed changes in respect of clarifying minimum de-designation of Metropolitan Open Land (MOL) accord with the evidence on viability in EB4? Are the proposed sites deliverable without some form of cross-subsidy from development? Are the proposed sites reliant on sources of funding that exclude cross subsidy from development? Is this clear in the document and are there any funding risks (with associated contingencies) that should be identified in the Plan's monitoring and implementation framework?
7. The Viability Assessment (EB4) does not appear to consider the short listed sites in the Plan. How were the ten sites selected by the Council for viability testing identified? Is there an explanation as to why short listed sites were not appraised? How would such an approach sit with the requirements of paragraph 173 of the NPPF?
8. What are the implications for a lack of viability appraisal on long-listed sites S-ACT3, S-ACT4, S-EAL1, S-ACT6, S-EAL2, S-EAL8, S-GNP1, S-GNP3, S-SOU1, and S-SOU3?
9. The findings of the viability assessment for those sites that were assessed outline implications for the design and layout of school accommodation, particularly on mixed use sites, where some form of cross-subsidising development is required. Are these findings transferable to the short list and long list of sites that have been subject to SA? If so, do the policies of the plan adequately reflect these circumstances or can matters of school design and layout within mixed used schemes be adequately dealt with under the Development Management DPD policies?

Site selection process

10. Is the SA scoping report and baseline of May 2013 available in a format to be placed in the Examination library?
11. From my reading of documents EB2, EB14, EB15 and EB16 it is evident that there has been an extensive scoping and assessment of potential sites in the Borough. However, these documents present varying numbers of sites (some of which have differing references and descriptions) such as to the lay reader it is not always clear as to whether there has been a consistent approach to those sites which have been discounted, long-listed and short-listed. Is there a summary, which clearly presents the chronology of site assessments and in particular the genesis of the short list of sites in Table 4.1 of the Plan and the long list of sites in Appendix 1 of the accompanying Sustainability Appraisal (SA)?

12. Does the 'long list' of sites at Appendix 1 of the Sustainability Appraisal represent all reasonable options? Is it clear where other sieving processes have been undertaken to exclude unreasonable options? Should the SA identify and briefly explain any unreasonable options and why they have been discounted? *[for example: 25 sites identified at the Issues and Options stage and a further 11 sites through the associated call for sites = a pool of 36 sites. The SA for the publication document (allowing for duplication of short listed and long listed sites) assesses a total of 27 sites. Accordingly, 9 sites from the I&O stage and call for sites have not progressed to the publication SA. How and when was that assessment made? Are these 9 sites recorded in the evidence base as unreasonable options?]*
13. When assessing the proposed sites for secondary and primary provision is it clear from the SA and supporting evidence as to what are the reasonable alternative sites to accommodate the required FE for secondary and primary demand? If a short listed is deemed on closer examination not to be sound, is there a logical and evidenced fall-back site which has been subject to consultation and SA?
14. What the transport implications of the short list sites? Are they likely to result in significant levels of car-based or public transport based journeys for pupils to access provision? Are the transport implications adequately considered through the SA process?

In raising Questions 10-14 at this early stage, the Inspector is mindful that SA should clearly set out why alternatives have been rejected and SA should avoid a "paper chase" through supporting evidence to find the reasons. However, it also applies that SA should be proportionate and as the PPG advises the level of detail should be appropriate to the content of the Plan¹.

15. Document EB2 – Municipal Projects February 2015 is titled as a Draft Report. Should this be regarded as the final version?

Omissions site

16. There is a site being promoted through the representations at The Rectory, 26 Tentelow Lane, Norwood Green (PFS/PV100). I note document SD8 briefly sets out that a planning application is currently being considered at the site. Has the application been determined and if so, are there implications for the need identified in the Plan at section 3? Alternatively, if the site remains to be considered under the PfS process was it assessed as part of the sustainability appraisal, or discounted as an unreasonable option through the evidence base?

Other Matters

17. Is there an update on the Playing Pitch Strategy for Ealing referred to by Sport England? How does it differ to the Ealing Sports Facility Strategy

¹ PPG Reference ID: 11-009-20140306

2012? Is there evidence on sports pitch provision in Ealing that can be placed in the Examination library?

18. Are there spatially defined school catchment areas in the Borough and is there a 'policy' in terms of pupil place planning that reflects catchment areas? Should the areas of Acton, Ealing and Hanwell, Greenford, Northolt and Perivale, and Southall be regarded as "school catchment areas"?
19. Reference has been made to a 4FE provision at Ealing Fields Free School opening in September 2016 (PFS/PV40). Is this the case, where is it in the Borough and is it primary or secondary provision?
20. Is there an up-to-date Conservation Area Appraisal for the Ealing Cricket Ground Conservation Area?
21. There is an expectation in several representations for community access to facilities as part of the planned provision of schools through the PfS. Can the Plan require public access to schools or stipulate that hall space, indoor sports facilities and outdoor sports pitches are located where they can be readily accessed by the community? What are the governing arrangements for Free Schools in respect of allowing community access and are there any additional controls/conditions on public access through funding for Free Schools?
22. Can the listing description for S-EAL6 be placed in the examination library?
23. Do the Council's minor changes on historic environment documents reflect the updated web based resources emailed by Historic England on 30 June?
24. Reference has been made to EFA funding for Floreat Southall Primary School. Is there any further detail on what this project is and how it is factored into the document?
25. What is the status of the Habitat Regulations Assessment Screening Report Update June 2015 (Document Ref: SD10)? To what extent does it differ from the HRA of February 2015? Have Natural England and the Environment Agency engaged in the HRA process and is the submission from Natural England (ref PFS/PV3/SUB) made in response to document SD10 or an earlier version?