

Ealing Council
Perceval House
14-16 Uxbridge Road
London W5 2HL

t 020 8825 8056

David Spencer
c/o Programme Officer
Caroline Caldwell
Ealing Council
4th floor Perceval House
14-16 Uxbridge Road
Ealing, London
W5 2HL

Your ref	My ref	Extension	Date
	PfS EIP1	8056	31/7/15

Dear Mr Spencer

Re: Inspector's Questions and Observations on the submitted Planning for Schools Development Plan Document.

Thank you for your letter of 23 July 2015. My responses are outlined below.

I have sought to respond to some of the questions and observations you have raised, with responses provided in the attached document. Some of the remaining responses require further research and consideration, including input from colleagues and external consultants who were involved in producing the evidence base documents. We will seek to respond to further questions over the next couple of weeks. However, due to my own and the holiday arrangements of others, I would welcome an extension of time to enable the Council to respond fully to all of your observations and questions. I would like to request this extension be until 10th September 2015. Please confirm if this is acceptable to you and whether it would be likely to have any implication on the potential hearing dates.

I confirm document SD4 'Schedule of Minor and Technical Changes' will be maintained as a 'live' reference document during the examination.

I welcome your suggestion of pre-hearing consultation on a select number of the Council's suggested changes to the Plan, both to provide clarity on the submitted plan to be examined and enable progress towards adoption broadly in line with the Council's anticipated timetable. Consultation would relate to a number of changes, which on reflection are considered more than minor changes, proposed as track changes in document SD2.

Printed on 100% Recycled Paper

This pre-hearing consultation would be accompanied by a brief addendum to the Sustainability Appraisal (SA) to be added to the Examination library and referenced as document 'SD5a Addendum'. This update to the SA would relate solely to what are considered main modifications. The main modifications are considered to be:

- The change in location of the approximate siting of the school and associated facilities within site S-EAL4
- Additional text at Policy 1: Safeguarding of Allocated Sites for School Use
- Additional supporting text at para 7.1 regarding the general approach to the proposed de-designation of Metropolitan Open Land.

The Council would welcome the Inspector's view as to whether any other modifications suggested by the Council would be considered major modifications and should be included as part of the update to the SA.

The Council could potentially commence pre-hearing consultation on 10th August and run for 6 weeks to 14th September 2015 (which would include 2 weeks after the school holidays).

A copy of this letter and attachment (comprising the Council's responses to a number of your questions and observations) will be placed on the Council's website.

I trust this provides clarification. Should you have any further queries please direct them through the Programme Officer to Steve Barton, Planning Policy Manager, in my absence until 27 August 2015. His contact details are bartons@ealing.gov.uk.

Yours sincerely,

Samantha Powell

*Samantha Powell
Principal Planner
Planning Policy
Ealing Council
4th floor Perceval House,
14-16 Uxbridge Road
Ealing
London W5 2HL*

T: 020 8825 5270

Email: powells@ealing.gov.uk

COUNCIL'S RESPONSE TO INSPECTOR'S INITIAL QUESTIONS (attached to letter dated 31/7/15)

Responses highlighted in red below

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?

Letters to neighbouring authorities and minutes (where they are available and include information appropriate to be in the public domain) will be placed in the Examination library in due course, under reference **ED4**.

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?

Answer to follow

3. What evidence is available of ongoing dialogue with the owners of proposed site S-EAL4?

This will be evidenced in a Statement of Common Ground to be submitted in due course.

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?

The change was taken on balance in light of the higher PTAL of this part of the site and the increased opportunity in this location for further improvements to accessibility to be made to promote sustainable travel by users of a school and/or associated facilities available for community use on the site, particularly in respect of public transport, pedestrian and cycle access. Whilst the proposed change is not needed in order to make the document sound; the Council consider the change would improve the soundness of the plan in light of the improvements to accessibility as noted above.

Overall, the proposed change has positive implications for the sustainability appraisal of S-EAL4. Firstly, in the SA document EB5A (p34) the performance of site S-EAL4 would be improved in respect of 'environmental' criteria as the PTAL of the proposed change in location would be increased from PTAL level 1b (NW corner of the site) to level 4 (SE corner as now proposed). Secondly, the 'comments' column of the same table (EB5A p34) includes reference to maximising use of the existing building footprint where possible. Whilst the proposed change in location would not utilise existing building footprint, the potential for further improvements to accessibility is, on balance, considered to support the change in approximate location. An addendum to the SA will be provided which incorporates these comments and will be added to the evidence base in the examination library as document **SD5a – Addendum**.

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'?

For site S-EAL4 the red dashed line seeks to fix the approximate location of a school building and associated facilities within the wider site, although any playing fields associated with the school would be MOL compliant and as such would not need to be de-designated from MOL. At site S-ACT2 the dashed red line is indicative but the final footprint (and land to be de-designated from MOL) would be confirmed once the planning application (due to be submitted in the near future) is determined. At S-HAN1 this is a contingency site only for temporary provision of initial forms of entry in the event that permanent provision is delayed on site S-EAL6, and as such it is

intended that only the existing building (represented by the dashed red line) be allocated for school use.

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?

Answer to follow

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?

The ten sites selected for viability testing where the Council had less certainty over the potential for their delivery and therefore sought additional information to inform the Council's decision whether to take the sites forward as shortlisted sites.

None of the sites that were subsequently short-listed sites were appraised at the time as the Council had more assurance about the potential for their delivery, such as willing landowners and/or progress on proposals for education use on the sites. The approach accords 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?

Answer to follow

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?

Answer to follow

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?

Yes - this will be placed in the Examination library under reference ED5.

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)?

Answer to follow

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?]*

Answer to follow

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?

Table 4.1 in SD1 indicates all proposed sites which include contingency sites in the event that permanent provision of some of the preferred sites are delayed. All of the shortlisted sites have been subject to 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?

The Council has suggested minor changes, as indicated in SD2 para 4.23, to address concerns of TfL in respect of transport implications. TfL have confirmed they are supportive of the Council's suggested wording confirmed in their representation PV125 (SD8). The suggested minor changes complement existing adopted Local Plan policies to promote sustainable travel modes by staff, pupils and other users of the schools and any associated facilities. Furthermore, by delivering schools on the sites within the areas of identified education need, the distance pupils would need to travel to attend a school would be reduced.

PTAL was used as the criteria to help assess transport implications in the shortlisting process, as an appropriate indicator when considering the significant number of sites in the Council's initial master list. The PTAL of sites has been considered under 'environmental' criteria in the site option matrices in the SA (SD5A). More detailed transport information would appropriately be sought and assessed in relation to individual sites at planning application stage.

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?

Yes.

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?

The planning application at this site is currently being assessed. The application seeks to provide permanent accommodation for the 1FE primary Free School (referenced as 'St Mary's primary' at para 3.17 of SD2) which opened in Sept 2014 at a nearby temporary location. The Council will confirm the outcome of the application once it has been formally determined. The 1FE provision on the temporary site has been taken into account as existing primary provision (see EB1 para 3.1 and Table 6.1).

¹ PPG Reference ID: 11-009-20140306

Were this planning application to be refused, it would be necessary for an alternative permanent site to be secured.

The current application site was not considered on the Council's master list or long list of sites and was therefore not assessed as part of the sustainability appraisal. Had it been considered, it would have been likely to be discounted on the basis of site size (at 0.43ha being less than the size criteria of 0.6ha specified in EB14 p5), combined with its policy designation.

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

The timelines for the Playing Pitch Strategy (PPS) remain as referenced in SD8B (Council response to Sport England rep PV5), i.e. production of first draft later in 2015 with view to adoption in early 2016. The results of the PPS will feed into the overall Ealing Facility Strategy (EFS) 2012 – 21 which is a living document with an annual action plan. The latest action plan gives details about the projects which have been delivered so far and potential future projects. The latest action plan will be added to the Examination library as document **ED6**. The EFS, which covers indoor and outdoor sports, informs the action plan but the strategy only gives a snapshot of the sports facility picture in Ealing at the time it was written. This picture has changed and will change in the future.

The link to the EFS 2012 – 21 will be added to the Examination Library as document **ED7** and can also be found at:
http://www.ealing.gov.uk/info/200087/sports_and_leisure/43/ealing_sports_facility_strategy_2012-2021

Sport England endorsed the Ealing Facility Strategy 2012 – 21 and also agreed that production of a Playing Pitch Strategy was appropriate in 2015 to keep the information within the strategy up to date. At the end of the PPS process we will have a clear picture of the facilities we have, the current and future demand for different types of activity and an action plan that will show the potential future facility options for meeting that need.

New school facilities will feature in the PPS action plan, especially if the playing and ancillary facilities meet the necessary adult and junior league standards in both winter and summer sports, and particularly those which bring currently derelict sports grounds back into community use.

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”?

Ealing’s primary school admissions policy has traditionally used spatially defined school catchment (or ‘priority’) areas to allocate places in over-subscribed community schools. However, following a consultation earlier this year, Ealing Council took the decision to remove priority areas from 2016 onwards and base admission decisions on straight line distance, as is already the case with community high schools.

For pupil place planning purposes, these school catchment areas are grouped up into 9 primary planning areas. These have been used to plan primary school places in Ealing for at least 20 years. The planning area projections are then grouped up to four quadrants (“Acton”, “Ealing and Hanwell”, “Greenford, Northolt and Perivale (GNP)” and “Southall”). Until recently the Council planned secondary places on a borough level but introduced secondary planning areas, which were coterminous with the four quadrants used at primary, in 2013 in agreement with the DfE. Forecasts are submitted to the DfE via the school capacity return (SCAP) for the 9 primary planning areas and the 4 secondary planning areas. We have no current plans to change our planning areas following the changes to the primary admissions criteria.

These planning areas are not school catchment areas and should not be regarded as such as children are neither restricted to nor expected to attend school in their planning areas and in reality there is significant movement of children between the planning area in which they live and the planning area they go to school, particularly at secondary level. The planning areas represent spatially defined areas which are used to break our borough level projections into smaller geographical areas (using a retention ratio based model) for the purpose of planning school places.

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?

This is proposed at site S-EAL6 as a 4FE secondary provision (see SD2 Table 4.1 and reference in SD2 para 4.25). Delivery on this site is however not yet confirmed for Sept 2016; if delivery is delayed, site S-HAN1 (SD2 Table 4.1) is proposed as a contingency site for initial forms of entry for this Free School until the permanent site is delivered.

20. Is there an up-to-date Conservation Area Appraisal for the Ealing Cricket Ground Conservation Area?

Yes. This can be viewed at the following link and is now added to the Examinations library as **ED8**

http://www.ealing.gov.uk/info/511/conservation_areas/1025/ealing_conservation_areas/4

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?

The Council is mindful of the need to avoid duplication of other planning policy guidance such as Ealing's adopted Development Management (DM) Policy 3.18 'Education Facilities', which encourages the dual use of educational facilities for community and recreational use (see EB19) and London Plan policy 3.16 and 3.18 (currently referenced in SD2 paras 2.5-2.6). However, to assist users of the Plan, the Council would be happy to insert a reference within it to Ealing's adopted DM Policy 3.18. This cross reference could appropriately be inserted as a minor change in SD2 as a continuation of para 2.11.

Whilst it is already covered in general terms by existing Local Plan policies which promote good design principles and sustainable travel, the Council would also be happy to add policy wording or additional supporting text in the Plan to make more explicit the requirement, where possible, to locate sports and other facilities (provided in association with new or extended schools) in accessible locations within the site. Suggested wording will be follow.

In terms of governing arrangements for Free Schools in respect of allowing community access, the Council are not aware of any different or additional controls than those prescribed by central government for state maintained schools.

As such, the Council would consider it appropriate to require a community access plan as part of any application, as is currently being drafted in relation to William Perkins Free School (secondary school referenced at SD2 para 3.6). A copy of the decision notice for this application and the draft community access plan will be added to the Examination library as documents **ED9 and ED10**.

22. Can the listing description for S-EAL6 be placed in the examination library?

Yes. The list entry reference is 1358767; Grade II listed building referenced as St Anne's Convent School. The full listing description will be added to the Examination library as **ED11**.

23. Do the Council's minor changes on historic environment documents reflect the updated web based resources emailed by Historic England on 30 June?

Answer to follow

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?

Floreat is a 2 FE primary Free School for which funding has been approved by the Education Funding Agency (EFA) for the Southall area of the borough. The EFA are seeking a site for the school for a 2016 opening. No site has yet been found.

The demography figures in Southall are particularly variable due to the more recent birth increase in that part of the borough. This is as indicated in para 3.6 of the demography paper EB1: *'The remaining shortfall will need to be met in areas easily accessible from Southall, where birth increases have been more recent. This shortfall is expected to be met largely through the expansion of existing provision, with a 1FE expansion of Beaconsfield Primary School from 2016 currently out for statutory consultation (see Table 6.2) and a potential further 0.5FE still to be identified (based on current retention rates). The position is being monitored in case there is a need for further permanent provision, particularly if retention rates in the Southall area recover to the level seen two to three years ago. Such provision could potentially be met through Free Schools.'*

Should the school not open in 2016, the Council would need to consider providing bulge classes in other local schools.

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?

Document SD10 (June 2015) is the latest HRA update.

Natural England and the Environment Agency have engaged in the HRA process (see SD9 representations PV3, PV3/SUB and PV117)

The submission from Natural England (ref PFS/PV3/SUB – see SD9 p7) was made in response to an earlier version of the HRA update (April 2015) which incorrectly included some references to Ealing's Floodrisk Management Strategy rather than Planning for Schools DPD. Document SD10 (June 2015) is the latest HRA update, the only difference being corrections to these references for accuracy.