

**Ealing Planning for Schools
Independent Examination**

**Inspector's Matters, Issues and Questions
For discussion at the Examination Hearings**

Version 3.0

The Hearings Programme is regularly updated. The list of participants will be included in Version 2. Please ensure you check the latest position if you wish to attend a particular hearing by contacting the Programme Officer or viewing it on the website at

http://www.ealing.gov.uk/info/200921/local_plans/1961/planning_for_schools_dpd/2

Guidance concerning the format of hearings at this Examination is contained in the Inspector's Guidance Note.

Discussion at the hearing sessions will be based on these matters, issues and questions. There is no need to submit an additional hearing statement if you are content that your original representations adequately cover the issues and questions you are concerned about.

If you do wish to submit a hearing statement, it should only address those matters, issues and questions that are relevant to your original representation(s). However, the Council's statement is required to address each question, either directly or by referring to relevant evidence already submitted.

Please refer to the Inspector's Guidance Note for further advice on the format and deadline for statements.

References below to the "DPD" are shorthand for Ealing Planning for Schools Development Plan Document

WEDNESDAY 11 NOVEMBER 2015, 10 AM

Nelson Room, Ealing Town Hall

MATTER 1 – LEGAL COMPLIANCE AND DUTY TO COOPERATE

Main Issue

Establishing whether the legal compliance for plan preparation & the Duty to Cooperate have been met.

Questions

Overall, has the DPD been prepared in accordance with relevant legal requirements for plan preparation as set out in the Act¹ and the Regulations²?

Has the 'Duty to Cooperate' imposed by Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended) been met? What has been the nature of the cooperation and on what issues?

Is the extent and nature of cross-boundary school movements with adjoining Boroughs understood? Is there significant displacement of pupils to adjoining Boroughs and vice-versa?

Is the Plan consistent with national planning policies – notably the National Planning Policy Framework (NPPF)? Does it reflect the Framework's presumption in favour of sustainable development?

Has the DPD been prepared in accordance with the Council's Statement of Community Involvement and met the minimum consultation requirements in the Regulations?

Is the DPD based on a sound process of sustainability appraisal including testing of reasonable alternatives, and does it represent the most appropriate spatial strategy for additional school provision in the circumstances?

Does the sustainability appraisal adequately appraise the impacts of the DPD on health and biodiversity? (notably in relation to de-designation of Metropolitan Open Land?)

MATTER 2 – GENERAL MATTERS

Main Issues

The process for modifications to the DPD following submission.

Is the general approach of the policies and monitoring in the DPD in meeting the shortfall in school places sound?

¹ Planning & Compulsory Purchase Act 2004 – part 2 Local Development

² The Town & Country Planning (Local Planning) (England) Regulations 2012

Questions

Are the Council proposing any main modifications in addition to those already consulted on? Are any further ones likely to be advanced during the examination? Is there a separate schedule of minor changes?

What has been the level and broad content of response to those main modifications consulted on prior to these hearings?

Overall, does the DPD deal adequately with uncertainty? Is there an adequately developed monitoring framework, including justified, measurable indicators and targets? Are the triggers for review sufficiently clear in terms of when contingency action would need to be taken?

Are Policies 1-3 justified and effective? In particular do Policy 1 and paragraph 4.22, as amended by proposed modifications³, provide sufficient clarity on Metropolitan Open Land not covered by the footprint of the proposed school buildings?

Is the DPD consistent with the Development Sites DPD?

Can detailed design issues with new schools be adequately managed through the policies of the adopted development plan?

WEDNESDAY 11 NOVEMBER 2015 – Late AM and 2PM onwards

Nelson Room, Ealing Town Hall

MATTER 3 – NEED, STRATEGY AND ALTERNATIVES

Main Issue:

Is the evidence base robust?

Questions:

Is the evidence on projected pupil numbers and school places up-to-date?

Are there wider demographic trends which point to reducing pupil numbers?

Are the proposed secondary schools being delivered where there is the highest density in primary school provision?

Are there any important developments/changes since submission, for instance in terms of policy and/or funding for school provision or planning consents for education provision in the Borough?

³ Examination Document ED18 – MM1-MM3

Does the Council have a programme for reviewing the key evidence base?

Main Issue:

Who will deliver the proposed school provision, when will it happen and is there a role for the DPD in securing wider community access?

Questions

Is school provision in the Borough based on identifiable catchment areas?

How has the nature of planning and delivering school pupil places evolved with the changes from Local Education Authority directly planning and delivering to the diversity in how educational facilities are now provided, including Free Schools?

Notwithstanding site specific details, is there sufficient certainty that the provision identified will be delivered (funded) within the timeframes at paragraph 3.11 and, in any event, no later than the plan period of the DPD?

Does Free School provision allow for wider community access to hall and sports pitch facilities? Can this be secured through the planning system or is it a separate operational matter for the governing body?

Could a criterion be reasonably added to Policy 2 – requiring indoor sports facilities within new schools to be located and designed for wider community use? Is this design/social inclusion issue addressed by another development plan policy?

Main Issue:

Are the broad locations for school provision in the DPD the most effective and justified? Have reasonable alternatives to locations and specific sites been considered?

Questions

Would the DPD deliver additional education places in those parts of the Borough where the demographic evidence suggests they are most needed? Should additional school provision be focussed in other parts of the Borough as suggested by some representors?

Does the plan make adequate provision for demand for additional primary and secondary school places in Acton to match the large planned residential developments?

Does the DPD make appropriate provision / or need to make provision for primary school needs in the Norwood Green part of the Borough?

Are there the very exceptional circumstances in the Borough which require the use of Metropolitan Open Land for school provision? Can it be demonstrated that any loss of MOL in the DPD is no more than the minimum required to enable the new schools to function according to school provision standards?

On those individual sites within red dashed lines – does the site area within the red-dashed line represent the maximum site area or would additional land be required? Is paragraph 7.1 sufficiently clear in this regard?

What have been the determinative factors in selecting the 8 proposed sites? Is this reflected in the Sustainability Appraisal criteria?

Are the allocations based on a robust assessment of their deliverability?

Have the sites been assessed in terms of their accessibility?

What are the strategic transport implications of the proposed sites? How would pupils in Ealing Borough be expected to travel to school? Are school travel plans encouraged and enforced in Ealing through the planning process?

Do any of the sites require the use of Compulsory Purchase Orders to ensure delivery?

If a replacement site for one of the 8 on the short list was needed to be found, are there sufficient measures for contingencies?

Are alternative proposals that have been put forward in representations appropriate and deliverable? Have they been subject to sustainability appraisal and public consultation?

THURSDAY 12 NOVEMBER 2015, 10 AM

Nelson Room, Ealing Town Hall

MATTER 4 – SITE S-EAL4: FORMER BARCLAYS SPORTS GROUND

Main Issue:

Site specific issues relating to S-EAL4

Questions

Does the location of S-EAL4 correlate with the Council's evidence on the geographical need for additional school provision in the Borough?

What has been the Council's process of dialogue and engagement with the site owner? Is that reflected in a statement of common ground with the owner? And how has deliverability of the site as part of the DPD process taken account of the viability of Site S-EAL4 to be developed as a stand-alone school site?

Could development of this site be stalled because of land owner aspirations for additional uses on the wider site?

Is the site used as a sports ground? If so, by whom and on what basis / frequency?

Is the site surplus to open space / sports pitch provision in the Borough?

Is there an intention / plan to incorporate the former Barclays sports grounds into a publically accessible district park or community open space?

Is the site appropriate and deliverable, having regard to the following:

- its existing land-use designations
- accessibility, including highway impacts on Hanger Lane
- flood risk
- air pollution (from North Circular Road)
- Relationship to the Ealing Cricket Ground Conservation Area

What is the latest PTAL rating for the modified site? Has this changed in respect of new mapping from Transport for London?

Does the evidence of stipulations on use of land at the Hanger Hill Estate on apply to site S-EAL4? Are these stipulations extant and enforceable? What would be the practicalities of these stipulations on the effectiveness of the DPD?

In terms of Metropolitan Open Land is the identification of this site consistent with Policy 7.17 of the London Plan and Policy 5.2 of the Ealing Core Strategy? Do the exceptional circumstances exist to justify the de-designation of MOL in this part of the Borough? What would be the full extent of MOL de-designation to facilitate the proposed school?

Is the wording at Policy 1 and paragraphs 4.22 and 7.1, and map presentation of S-EAL4, sufficiently clear on the approach to the wider site as part of the DPD? Should the DPD indicate that wider land within the solid red line should have public access?

Are the mechanisms for delivery of this site (and any risk of non-delivery) adequately reflected in the DPD at paragraphs 5.9 and 5.11 (a)?

Why have alternative sites at Gurnell Leisure Centre, vacant land at Park Royal Industrial Estate, Twyford Abbey, Trailfinders Sports Ground, North Acton Playing Fields, Fox's Reservoir, Fox Wood, 4 contiguous golf courses west of Osterley, unused land at Wyevale Garden Centre north of Gillette Corner and industrial land north-east of Hanger Lane gyratory been discounted? Are these reasonable alternatives to S-EAL4?

Are the Sales Particulars, in themselves, capable of creating enforceable restrictive covenants? Is there any evidence that the sales or lettings of plots which followed the Sales Particular have (or have not) created such covenants?

Does the wording of No.5 refer to a prohibition of any dwelling house being used as a school rather than the prohibition of any building being erected for use as a school?

FRIDAY 13 NOVEMBER 2015, 10 AM

Nelson Room, Ealing Town Hall

MATTER 4 – SITE S-ACT7: Land rear of Twyford High School

Main Issue:

Site specific issues relating to S-ACT7

Questions

Is the site surplus to requirements as a sports facility? Can the facilities at S-ACT7 have a dual function as school and community use?

Would the amended site involve any loss of playing fields?

Does the allocation of this site set a precedent for development on the remainder of S-ACT7?

Is this site the subject of a restrictive covenant that would inhibit its use for school provision? Does any applicable covenant / stipulation apply to undeveloped land only or does it affect the change of use of the existing pavilion building? Is the covenant extant and enforceable? What would be the practicality of this covenant on the effectiveness of the DPD?

What land originally benefitted from the restricted covenants at 11 May 1921? And in turn, who may now benefit from the covenants in that Conveyance?

The Land Registry entry states that the covenants "were expressed to be varied". Does that mean they were varied? If so, does the variation apply to land within or outside of the red edge of the boundary of title number AGL149508?

Is it clear what the restrictive covenants at entry 4 on the Charges Register are?

Can I reasonably rely on Title Number AGL149508 issued on 18 April 2006?

MATTER5 – SITE S-HAN1: Eversheds Sports Ground – Hanwell

Main Issue:

Site specific issues relating to S-HAN1

Questions

Would the allocation result in a loss of playing fields? If so, is that justifiable in light of the most up-to-date assessment of sports pitch provision in the Borough?

Does the allocation of this site set a precedent for development on the remainder of the sports ground?

The DPD seeks OFE at S-HAN1, could a more flexible approach be incorporated into the DPD that would allow for up to 4FTE? Is there a "chronic" need for additional school provision in South Ealing?

FRIDAY 13 NOVEMBER 2015, 2PM

Nelson Room, Ealing Town Hall

Reserved for any session that may be required.