
Report to the Council of the London Borough of Ealing

by David Spencer BA(Hons) DipTP MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)
SECTION 20

REPORT ON THE EXAMINATION INTO THE
EALING PLANNING FOR SCHOOLS DEVELOPMENT PLAN DOCUMENT

Document submitted for examination on 8 July 2015

Examination hearings held between 11 and 13 November 2015

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Abbreviations Used in this Report

COS	Community Open Space
CPO	Compulsory Purchase Order
CS	Core Strategy
DPD	Development Plan Document
DtC	Duty to Co-operate
ECGCA	Ealing Cricket Ground Conservation Area
EFA	Education Funding Agency
EL	Examination Library
FE	Form(s) of Entry (30 places)
GLA	Greater London Authority
LDS	Local Development Scheme
LP	London Plan
MM	Main Modification
MM-OCT	Further Main Modification
MOL	Metropolitan Open Land
NCR	North Circular Road
NPPF	National Planning Policy Framework
PfS	Planning for Schools Development Plan Document
RICS	Royal Institute for Chartered Surveyors
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
TfL	Transport for London

Non-Technical Summary

This report concludes that the Ealing Planning for Schools Development Plan Document provides an appropriate basis for the planning to meet the need for additional school places in the Borough to 2021, providing a number of modifications are made to the plan. The Council of the London Borough of Ealing has specifically requested me to recommend any modifications necessary to enable the plan to be adopted.

All of the modifications to address this were proposed by the Council and I have recommended their inclusion after considering the representations from other parties on these issues.

The Main Modifications can be summarised as follows:

- Ensuring that the sites that are de-designated in the Plan from MOL and/or COS are developed solely for educational use and for no other purpose;
- Clarifications on the delineation of the maximum extent of de-designation of those sites which overlay adopted MOL and/or COS designations; and
- Explanation that where detailed planning proposals result in a smaller land take than allocated the balance could revert to MOL and/or COS.

Introduction

1. This report contains my assessment of the Ealing Planning For Schools Development Plan Document (the Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be sound, a Local Plan should be: positively prepared; 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 submitted draft plan (July 2015). This was the same as the document published for consultation in February 2015, recognising that on submission the Council was suggesting a number of changes to the document.
3. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (as **MM** and **MM-OCT**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
4. The main modifications that are necessary for soundness were presented in two stages. Three main modifications (prefixed **MM**) arose from suggested changes at the time the document was submitted for Examination. These main modifications were subject to public consultation for six weeks and an addendum to the sustainability appraisal published prior to the Examination hearings. In the run-up to the Examination hearings further main modifications have also been suggested by the Council (pre-fixed **MM-OCT**) and these supersede two of the original main modifications. The various main modifications all relate to matters that were discussed at the Examination hearings.
5. Following these discussions, the Council's schedule of proposed further main modifications was accompanied by an updated addendum to the sustainability appraisal and these have been subject to public consultation for seven weeks. I have taken account of the consultation responses from both main modification consultations in coming to my conclusions in this report
6. The two step approach to the main modifications has enabled both local communities and key agencies to further engage in the process, including participation at the Examination hearings. It is evident that without the helpful involvement of key individuals in the community the number of representations both for and against the policies and proposals of the Plan would have been less. However, I find nothing to persuade me that the Council's consultation has been deficient such that local people have been denied the appropriate opportunity to comment on the various iterations of the Plan. The evidence¹ clearly indicates that the Council has met its requirements as set out in the published Statement of Community

¹ EL documents SD8, SD9, ED32, ED33, ED55 and ED59

Involvement and that the representations received have been taken into account. These are the applicable legal tests.

Assessment of Duty to Co-operate

7. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation.
8. The duty relates primarily to co-operation with regard to strategic matters that cross administrative boundaries. To some extent this only has limited consequences for the Plan in that the Council has a statutory duty to supply school places to meet the demand in its area. However, the evidence demonstrates that Ealing is presently a notable net exporter of secondary pupils to adjoining Boroughs. Therefore, in addition to its duties to promote parental choice, diversity and fair access to school places in response to the growth in pupil numbers, the Council is also appropriately planning on the basis of improving its retention ratio².
9. Against this context it is clear that the Council has consulted and worked co-operatively with adjoining London Boroughs, the GLA and other relevant agencies³. None of them raised any matters of concern regarding cross-boundary issues and I am satisfied that the evidence demonstrates that the Council has complied with the Duty to Co-operate imposed by the 2004 Act.

Assessment of Soundness

Preamble

10. The Plan covers the Borough of Ealing and includes allocations for 8 school sites, and a policy approach that is generally flexible for accommodating what is an increasingly diverse approach to education provision. It follows on from the Ealing Core Strategy adopted in April 2012 and the Development Management Policies and Development Sites documents adopted in December 2013. Whilst these documents, together with the adopted London Plan, provide planning policies for facilitating and assessing community infrastructure proposals I nonetheless find that the particular demands on education provision, arising from marked demographic changes, present a set of circumstances, especially for secondary provision in the next 5 years, which justify a bespoke development plan document.
11. These circumstances include both the statutory obligation on the Council to provide school places to meet demand and a notable scarcity of suitable and available land for schools in the Borough. This second aspect is, perhaps, unsurprising given the dichotomous character of Ealing between areas of protected green space and those areas which are already developed and expected to host a number of competing land uses to meet the needs of the Borough. Consequently, the Plan will provide much needed certainty as the Council and its partners work to secure additional school capacity.

² 85% in the secondary cohort compared to 80% average for period 2012/13 to 2014/15

³ EL documents SD8 and SD13

12. The Council has appropriately considered⁴ the alternative scenarios of "do nothing" or "expand existing schools". The assessment demonstrates that both options would perform poorly in securing the objective to meet the identified need for additional school places. The evidence⁵ shows that the Council has either expanded or has plans to expand existing school sites where feasible. However, this extra capacity, together with other known planned provision has been reasonably taken into account and yet there remains a demonstrable unmet net additional demand which the Plan is catering for. Accordingly, the net shortfalls in both primary and secondary school places in the Plan are neither overstated nor inadequately justified.
13. Paragraph 72 of the NPPF states as follows. "The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the demands of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education." Consequently, in preparing this innovative, single issue document to meet the appreciable shortfall in school places and to provide a constructive policy framework for securing additional school capacity to meet demand, the Council has fully embraced paragraph 72 of the NPPF. Accordingly, the Plan has been positively prepared in accordance with paragraph 182 of the NPPF.

Main Issues

14. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified 3 main issues upon which the soundness of the Plan depends.

Issue 1 – Does the spatial distribution of proposed sites correlate with the evidence of those parts of the Borough with the greatest need?

15. The Council regularly reviews demographic evidence together with school roll projection modelling and updates to the school expansion programme to inform its school place planning⁶. Accordingly, I am satisfied that the Council and the partner agencies have a robust understanding of the future need for school places in the Borough.
16. The evidence before me on the demand clearly illustrates that it has arisen from a significant increase in births since 2003. As the GLA have confirmed this is a London-wide phenomenon such that births in the Borough alone have increased by 31% in the seven years from 2002/03 to 2010/11. Consequently, the annual birth rate appears to have peaked in 2010/11 at approximately 5,900. However, the latest projections from the GLA issued in April 2015 indicate annual birth rates levelling off at a reasonably high level of some 5,400 for the next ten years. Accordingly, the increased need for school places is not a temporary scenario.

⁴ EL documents EB9 and EB10

⁵ EL document ED22

⁶ EL documents EB1, EB7, EB12, EB13, ED22, ED40

17. Clearly, the increase in demand in school places arising from births has presented itself initially in the primary sector, with the peak in births filtering through to a peak secondary school requirement from 2016, but particularly between 2019 and 2021. Turning to primary school demand first I note the Council and its partner agencies have already done much to expand existing permanent primary school provision in the Borough such that, together with approved free schools, 36.5FE are now accounted for through the approved primary school expansion programme. This includes the 2FE on the land safeguarded at Acton within the Plan⁷. The intended school for this site (Ark Byron Primary School) is currently operating at a temporary location and given the evidence from the Council and local parents I consider the plan's proposal to allocate a permanent site for it would correlate with primary school demand in this part of the Borough.
18. I note that the birth peak across the Borough has not been consistent such that births at Southall will peak slightly later. The increase in demand is largely to be accommodated through a new 2FE primary Free School at Floreat Southall. However, it has also been submitted that the plan should safeguard provision for the new 1FE primary free school at St Mary's, South Norwood. The school has identified a site at Tentelow Lane which is subject to a planning application and has funding. However, the Council has not appraised this proposed permanent site given its modest size and policy constraints such that there is not the basis to make a positive allocation in the Plan. The Council's evidence base has already factored in the 1FE provision from this free school. Furthermore, Policy 2 of the Plan provides a positive framework for assessing additional school proposals on non-allocated sites. Accordingly, I see no compelling reason for the plan to safeguard an additional primary school site in this part of the Borough.
19. Turning to secondary school provision, I note that the west of the Borough (Greenford, Northolt, Perivale and Southall) currently benefits from a surplus of secondary places in part due to the additional capacity at the William Perkins campus and the expanded capacity at Dormers Wells High School. In addition the Plan makes provision for a further 2FE at Greenford High School such that demand in the short term in the west of the Borough would be accommodated.
20. This contrasts markedly with the picture in the east of the Borough (Acton, Ealing and Hanwell) where a general lack of capacity in the existing secondary school infrastructure is allied to those parts of the Borough where the demand for secondary school places is both highest (numerically) and soonest (in terms of the demographic profiling). I recognise that the Council and its partners have worked to deliver additional capacity at Elthorne Park and Brentside High Schools to help meet demand to 2016. However, I am satisfied from the evidence before me that for the Plan to be effective over the period to 2021, it would need to identify additional sites capable of accommodating 16.5FE secondary school capacity to meet the rising demand in Acton, Ealing and Hanwell.
21. I have numerous submissions on the Plan from local parents and community groups supporting additional secondary capacity in the east of the Borough

⁷ Site S-ACT2

which provides a degree of corroboration of the Council's strategy. Those objecting to the Plan strategy and in particular the consequential identification of part of the former Barclays Sports Ground in central Ealing present two key submissions which I address here. The first is that the scale of existing secondary school capacity in the locality negates the need for an additional new school. However, on closer examination one of these is an independent high school over which the Council has no influence in terms of meeting its statutory requirement. Additionally, both the Council and the EFA submit that high schools in Ealing and Acton are already large schools (in terms of pupil numbers) and to expand them further would have undesirable consequences for educational attainment. I have no persuasive evidence to the contrary.

22. The second submission against the principle of a new secondary school in central Ealing is that it would be poorly related to demand, notably in terms of the density of primary schools in the locality. I note that within the isochromes presented by the Council⁸, which are consistent with the Council's approach of straight line distance for admissions, there are a notable number of primary schools within a reasonable distance of the site that have been either permanently expanded or have accommodated bulge classes. It is also evident from the mapping and the submitted evidence that has informed it, that the growth in Year 6 cohorts in the Ealing and Acton areas will need additional secondary school accommodation in earnest from 2016 with demand significantly increasing from 2019 onwards.
23. Accordingly, I find that there is a significant and demonstrable need to plan for additional secondary school capacity in the Borough. Meeting this profound need will require the planned permanent expansions of existing school sites but it will also require a number of new schools which the Plan seeks to deliver. The greatest and most pressing need is in the eastern half of the Borough which reflects both the demographic evidence and the associated recent raft of primary school expansions. Accordingly, the approach of the Plan to focus temporary and permanent secondary provision in Acton, Ealing and Hanwell areas is justified as representing the most appropriate strategy. I therefore, on this issue, conclude that the Plan is sound.

Issue 2 –Are there the exceptional circumstances to justify the de-designation of Metropolitan Open Land? And if so, would the policies and proposals within the plan effectively ensure least harm to Metropolitan Open Land and Community Open Space?

Exceptional Circumstances for De-designation

24. The Plan proposes three sites⁹ which would require the de-designation of MOL. The development plan context for MOL is primarily set out in the LP¹⁰ and reaffirmed in the CS at Policy 5.2¹¹. There is a clear presumption that MOL will be protected from development that would have an adverse impact on its openness and in this regard the LP identifies that paragraphs 79-92 of the NPPF on Green Belts applies equally to MOL. However, notwithstanding this high level of protection, MOL is not sacrosanct as promulgated in some

⁸ EL document ED54

⁹ Sites S-ACT2, S-HAN1, S-EAL4.

¹⁰ EL document EB21

¹¹ EL document EB17

representations. In accordance with criterion C. of LP Policy 7.17 MOL boundaries can be altered through the development plan process in consultation with the GLA and adjoining authorities.

25. The Council has clearly undertaken a thorough assessment of sites across Ealing such that the search for school sites has examined an extensive number of potential opportunities¹². This process has scrutinised, amongst other things, commercial sites, publically owned land and vacant and previously-developed sites. A number of additional sites were also suggested as a result of the Issues and Options consultation in October 2013. The Council has applied sensible filtering criteria (site size, availability, location etc) to these numerous sites resulting in a residue of reasonable options, which in turn have been subject to sustainability appraisal.
26. The three sites proposed for de-designation from MOL are located in the eastern half of the Borough where the need for additional school provision is greatest. Patently, for wider sustainability reasons, it would not be effective for the Plan to release land some distance away in other parts of the Borough or to perpetuate the notable exodus of pupils to schools in other Boroughs. It is also clear from the existing pattern of land use and from the Council's robust examination of potential sites that the reasonable and available sites in Acton, Ealing and Hanwell are invariably open land and mainly MOL and/or COS.
27. I note that the GLA, subject to a number of modifications, which I discuss below, have not objected to the principle of de-designating what are relatively modest areas and proportions of MOL or COS in the Borough for school use¹³. The GLA have also not objected to the amended area for MOL designation at the former Barclays site. I attach significant weight to this position given the status of MOL in the LP.
28. Concern has also been expressed that alternative sites to S-EAL4 have not been properly considered including a number of employment areas in the vicinity of the Hanger Lane gyratory and at Park Royal together with other open spaces in Ealing. The Council has thoroughly assessed employment sites¹⁴ which demonstrates that the function and location of these strategic industrial sites would not make them appropriate options for schools. Additionally, those alternative open spaces put forward by local residents are also MOL including land which is actively used by the community. This serves to emphasise that the Council has not been unreasonable in testing available and deliverable options on MOL. I also note that the likely provider of a school on S-EAL4 has also undertaken their own site search which I heard confirmed that there is not an abundance of suitable and deliverable alternative sites.
29. In summary, given the pressing need for additional school provision, the locations in the Borough where that need arises and the demonstrable lack of reasonable alternative sites in those areas, I find that there are the exceptional circumstances for de-designating MOL through the Plan. However, to clarify that the de-designation through this Plan would be exclusively for

¹² EL documents EB2, EB9, EB14, EB15 (Process summarised at Appendix A to ED21)

¹³ Paragraph 21 of Representation PFS/PV105 in EL document SD9 and letter dated 1 June 2015.

¹⁴ Notably in EL document EB15 but also EB2 (Appendix 1).

schools and no other use, **MM1** is necessary to confirm this important point. On this basis, I conclude that the modest de-designation of MOL in the Borough is justified in principle and accordingly the Plan on this issue is sound.

Least Harm to MOL and COS

30. In relation to the proposed de-designation of MOL at Acton, the proposed site is currently a depot such that the change of use to an educational facility will not materially impact on the openness of the wider public park. At Hanwell (S-HAN1) and Twyford (S-ACT7) the Plan proposals involve solely de-designating from MOL and/or COS the footprint of existing buildings and any ancillary hard surfaced areas. Such an approach would appropriately preserve the predominantly open character of the wider sites.
31. In relation to the former Barclays Sports Ground the matter of the extent of MOL and COS proposed for de-designation is more finely balanced. The MOL and COS designations wash over the expansive grassed grounds as well as the large former clubhouse building and parking in the north-west corner and the hard surfaced tennis courts and modest ancillary buildings in the south-east corner. The site is in a moribund condition and without any visible or sanctioned public access. Although reference has been made to previous community access to the site I have little persuasive evidence that this was regular, unrestricted or that it has occurred in recent years. As such the COS de-designation of a subservient part of this site would not be harmful. Moreover, it would be tempered by community access to school facilities as secured at the recently constructed William Perkins Academy in Greenford¹⁵.
32. Notwithstanding the Council's submission that the published plan was appraised on the basis of flexibly considering the whole 8.8 hectares site, the indicative identification of the former clubhouse building and land at the north-west corner at the publication stage has not unsurprisingly led many people to consider it a reasonable alternative to the latest iteration of the proposed south-east corner site presented through further modifications (MM-OCT4).
33. Re-using the clubhouse site would make judicious use of an already previously-developed part of the site in the interests of preserving the wider openness, which is the essential characteristic of MOL. However, the built footprint of a 6.5FE secondary school would amount to some 1.2 hectares¹⁶ such that a wider area than the footprint of the clubhouse would be required at what is an elevated and exposed part of the site. The proposed south-east corner site would, in part, utilise former hard surface tennis courts and a modest single storey building. These structures, in combination with the enclosure on two sides by residential development and the presence of the nearby two storey groundskeeper's building reduce the intrinsic openness of this part of the MOL. Consequently, I find there is no clear case that one option would result in demonstrably less harm to the MOL compared with the other.
34. Whilst the south-east site at 1.5 hectares would be marginally greater than 1.2 hectares required for the built footprint of the school, the amended proposed site area at MM-OCT4 would be necessary to clarify that vehicular

¹⁵ EL documents ED9, ED10 & ED12

¹⁶ EL document EB8

access would be from Park View Road. A simple point of access and concrete road already exists at this location and whilst it would need to be enlarged I do not consider such infrastructure would significantly erode the openness of the MOL. It therefore follows that the 1.5 hectare site identified would not represent a profligate loss of MOL and COS and I have very little evidence that a final school design and any associated off-site highway works would result in any further attrition of MOL and COS at this location.

35. Concern has been expressed about the creeping physical and functional erosion of the MOL at this site including the resultant enclosed pocket of MOL that would result from the proposed school de-designation. These concerns also reflect the site owners stated intention to envelop the school proposal within a cohesive masterplan for the wider site. Whilst the evidence of dialogue between the landowner and the Council and EFA¹⁷ provides confidence of a deliverable solution for a new school, it is not the remit of the Plan to consider a wider mixed-use proposal for the entire site.
36. I have very little evidence that enabling development is required to cross-subsidise delivery of the school such that a school proposal in isolation, with or without recourse to a CPO, would be deliverable. Additionally, the exceptional circumstances for MOL de-designation relate solely to schools and for no other uses. Accordingly, the Plan does not need to be amended to refer to a wider masterplan in order to be sound.
37. With regards to ensuring the minimum amount of MOL and/or COS land is de-designated, the Council has suggested a number of further modifications in **MM-OCT4**. These show how the full extent of de-designation will be delineated by solid purple lines on the policies map with cross-references to Plan text and that any surplus de-designated land after detailed design of the new schools reverts to MOL and/or COS. For the avoidance of doubt as a consequence of the Plan the MOL and COS status of the rest of the site would remain unchanged. This also would leave a significant balance of the site to be considered as part of the district park promoted through CS Policy 5.2.
38. Therefore, in the interests of clarity and to ensure conformity with the LP, **MM-OCT1, MM-OCT2, MM-OCT3, MM-OCT4 and MM-OCT5** are necessary, thus ensuring that the Plan is justified and in all other respects sound. Additionally, on this issue, main modification **MM1** to Policy 1 is necessary to clarify that uses other than education would not be justified on the de-designated land. On this basis I find that the exceptional circumstances for de-designation of MOL have been demonstrated and the plan is sound in this regard.

Issue 3 – Are the site allocations deliverable and appropriate in all other regards

Former Barclays Sports Ground (S-EAL4)

39. The proposed site is currently available for school use (albeit conditionally), has a sponsor in the form of the EFA and a preferred provider of the school. This tripartite arrangement provides confidence that the site is deliverable. I note the landowner's intention to progress the site as part of a hybrid planning

¹⁷ EL document ED47

application may result in a potential delay in bringing the site forward. However, there is not an abundance of available and suitable publically owned sites in those areas of greatest and most pressing demand that the Council and its partners can alternatively turn to.

40. Therefore, the reality is that additional school delivery in the Borough will be reliant on dealing with privately owned sites, a situation not unique to this site. In considering conditions on site disposal and delivery, site owners should be mindful that the EFA's approach to site acquisition is appropriately underpinned by the RICS red book rules on valuation. Additionally, the policy constraints that currently apply to these MOL sites inherently affect land values such that a degree of pragmatism is required. Ultimately, and as a last resort, the Council has CPO powers to avoid significant delay and I am reassured by the evidence that it has a proven track record of using these powers to secure projects in the wider public interest. Whilst there remains much to resolve to bring the site to fruition, the evidence before me indicates that a solution would be deliverable to coincide with the appreciable rise in demand for secondary places from 2019 onwards.
41. Turning to the question whether there is a restrictive covenant that would render the site undeliverable I find, on balance, the evidence¹⁸ of the landowner and Council to be the more persuasive. This reflects the chronology of land transactions and associated evidence that the site is not bound by covenants that would be enforceable by tenants on the original Hanger Hill Estate. To conclude otherwise that the original stipulations remain enforceable at the proposed site relies too much on surmising, particularly given the contents of the 1906 Deed and the 1921 Conveyance which have now been presented.
42. In any event, I remain unpersuaded that the stipulations in the original sales particulars for the Estate as worded purposefully prevent new school buildings whatever the intentions at the time of its composition. It may well be that the matter will be tested further with consequential impacts for delivery timelines but I am satisfied that the Council's monitoring of the plan will trigger appropriate contingency action. Therefore, on the matter of covenants, from the material before me, I do not consider that the evidential threshold has been met to demonstrate that the Plan's allocation at this site would be ineffective.
43. The site adjoins the NCR and I am cognisant that TfL do not consider it appropriate for vehicular access to be secured from this strategic route. Consequently, the Plan identifies that vehicular access would be from Park View Road. I understand that a very high proportion of secondary pupils in Ealing Borough travel to school by foot, cycle or public transport. I see no reason why this would not also apply to this proposed school given the proximity of footways, cycleways, bus stops and underground to the site and that this would be secured through a travel plan. In this context, I am satisfied, at a strategic level, from the evidence before me and from what I observed of the local highway network (including at the AM peak in a week day in term time) that the site can be safely accessed from Park View Road and the connecting highways and without significant detriment to the

¹⁸ EL documents ED29 & ED30

amenities of residents on Park View Road. Comments from local residents about the details of the access are best left for any subsequent planning application, which will need to demonstrate how a proposal would perform against national and local planning policy on highway safety.

44. Local concern has also been raised regarding flood risk and subsidence, air quality, outlook from residential properties and impact on the setting of the ECGCA. I have little evidence that these issues are insurmountable. This includes the absence of objections from key organisations to the principle of the site and the comparable situation of the new William Perkins High School proximate to the A40 Western Way, particularly in respect of air quality. I am also reassured that EFA funding includes site contingencies to deal with site specific issues. Based on all I have seen on site and heard, the Council's planning judgment in identifying this site would appear to be a reasonable one. Importantly, any subsequent planning application would include engagement with the local community and technical consultees, including TfL, on matters of detail.
45. With particular regards to the setting of the ECGCA I am aware that Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. There are no detailed plans before me of a school for this site but I have considered the location of the site and the degree of screening provided by the buildings between the site and the ECGCA including the modern residential blocks at Fir Tree Close on Park View Road. I have also considered potential visibility between the villas on Woodville Gardens. From these perspectives and from the key viewpoints in the evidence base¹⁹ I am satisfied that the proposed school site would have negligible inter-visibility with the ECGCA and accordingly there would be no harmful impact on this heritage asset.
46. Therefore I consider the allocation of this site, subject to the further main modification at MM-OCT4, is sound.

Land Rear of Twyford High School (S-ACT7)

47. The proposed site would, as a consequence of my recommendation to incorporate MM-OCT3, be restricted to the current clubhouse building and a very small area of ancillary land. Whilst the site is presently in use I have no evidence to the contrary that it will not be available for the 2016/17 academic year. Given the proposed temporary use of this site and the opportunity to enhance the community offer I consider there would be no fundamental conflict with the wider COS designation.
48. The site is subject to a restrictive covenant and I am presented with conflicting views on the straightforwardness or otherwise of varying this covenant to allow for a temporary school use. Based on the evidence I have read and heard, the Council would not be unreasonable in asserting that a temporary variation would be attainable subject to time and cognisant of contingent risks. Accordingly, the matter of covenants is not sufficient for me to strike the proposal from the Plan given the strong planning and education benefits in

¹⁹ EL Document ED8A.

terms of the characteristics of the site providing temporary secondary school accommodation and its location in relation to the pressing demand.

Eversheds Sports Ground (S-HAN1) and Former King Fahad Academy (S-EAL6)

49. These two sites are linked, not least because of the need to provide an additional 4FE of secondary school capacity in this part of the Borough, ideally in a two-step exercise that would see temporary provision at the Eversheds site translating to a permanent school at the former King Fahad Academy. I have some confidence this strategy is deliverable in terms of funding from the EFA and the presence of a preferred provider. There is, however, uncertainty arising from the negotiations to acquire the permanent site in respect of the timeframe for delivery. However, as an act of last resort the Council has the option to deploy its CPO powers. Nonetheless, given the established use at the former King Fahad Academy site it is indubitably an appropriate school site and de-allocating it from the Plan would harmfully dent the ability of the Council and EFA to secure its retention as an educational facility.
50. I see nothing unduly inflexible in the Plan identifying only a small proportion of the wider Eversheds site to provide the identified transitory capacity in light of what appears to be an appropriate and presently deliverable strategy. Subject to the modification at MM-OCT5 it would also keep MOL and COS de-designation minimal as part of the Plan. Furthermore, I do not have sufficient evidence that the allocation could reasonably be enlarged to provide a permanent secondary school site through the Plan process. However, Policy 2 of the Plan provides a supportive framework for school proposals in addition to those specifically identified in the Plan to come forward subject to a demonstration of need and acceptable impacts. This would provide an appropriately flexible mechanism for delivering additional school capacity in advance of any need to formally review the Plan as triggered by the monitoring.

Assessment of Legal Compliance

51. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS		
Local Development Scheme (LDS)		The Plan is identified within the approved LDS July 2015 which sets out an expected adoption date of December 2015. The Plan's content and timing are reasonably compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations		The SCI was adopted in July 2015 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM) and further main modification changes (MM-OCT).
Sustainability Appraisal (SA)		SA has been carried out and is adequate.
Appropriate Assessment (AA)		The Habitats Regulations Assessment Screening Report (June 2015) sets out why AA is not necessary.

National Policy	The Plan complies with national policy except where indicated and modifications are recommended.
2004 Act (as amended) and 2012 Regulations.	The Plan complies with the Act and the Regulations.

Overall Conclusion and Recommendation

52. The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
53. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Ealing Planning for Schools Development Plan Document satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

David Spencer

Inspector.

Appendix – Main Modifications

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

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

Where a paragraph has been subject to both main modification and minor change, the minor change is highlighted in grey shading.

<u>Ref</u>	<u>Page</u>	<u>Policy/Paragraph</u>	<u>Main Modification</u>
MM1		POLICY 1: SAFEGUARDING OF ALLOCATED SITES FOR SCHOOL USE	<p>The sites allocated for school use in Table 4.1 (Short list of sites) will be safeguarded for school use. Development for non-school uses will only be considered on land allocated in Table 4.1, if:</p> <p>a) Other uses are already envisaged as part of a mixed proposal incorporating a school; or</p> <p>b) It can be demonstrated that the site is surplus to requirements, and is no longer required for a school use.</p> <p><u>If sites S-ACT2, S-HAN1, S-EAL4, and S-ACT7 are not developed for educational use, development for other uses would not be justified and would not be in conformity with the London Plan.</u></p>
MM-OCT1		Appendix 1 – Additional introductory text as new paragraphs 7.1, 7.2 and 7.3	<p><u>7.1 The purple line boundary identifies sites to be allocated through this DPD for extensions to existing or new education use. Where these boundaries overlay other incompatible adopted policy designations (i.e. MOL, Public Open Space and/or Community Open</u></p>

			<p><u>Space), the plan has initially sought to remove these, and this will be reflected through changes to the adopted policies map. The purple line boundary represents the maximum area required to accommodate school buildings and associated facilities (including playing pitches if required) on each site.</u></p> <p><u>7.2 The precise footprint of a new or extended building can only be established through the subsequent planning process, once detailed development proposals have been submitted, fully assessed and approved.</u></p> <p><u>7.3 The floorspace for education use on all sites should be established with reference to up-to-date guidance (currently BB103, June 2014). Where sites cover areas formerly designated as MOL/playing fields, every effort should be made to minimise the extent of the built development to mitigate the harm caused to the openness of the wider site. As the area needed for built development is likely to be smaller than the main purple line boundary, the area excluded from the built footprint (once detailed proposals are approved) could subsequently revert back to MOL/POS/COS as appropriate. The Council will work with others including developers, landowners, Sport England and the EFA to minimise the extent of the built footprint and to determine the final boundary. The final boundaries will be amended through future reviews of the DPD, and pending such a review will be noted within the relevant Authorities Monitoring Report.</u></p>
MM-		Appendix 1 – site details for S-ACT2	Remove dashed red line.

OCT2		Acton Park Depot	Change solid red line to purple line boundary.
MM-OCT3		Appendix 1 – site details for S-ACT7 Land rear of Twyford High School	Change solid red line to purple line boundary. Extend purple line boundary to south to adjoin school site boundary. Amend site area (sqm) accordingly.
MM-OCT4		Appendix 1 – site details for S-EAL4 Former Barclays Sports Ground	School siting boundary change from existing boundary(see S-EAL4 in SD1) to modified boundary (see S-EAL4 in SD3). Remove main red line boundary covering the whole site. Change dashed red line to solid purple line, and extend purple line boundary to west include indicative access road (see ED18 or ED58). Amend site area (sqm) accordingly. 'Approximate siting for school building and associated facilities (including playing pitches) within the dashed red line: 12,000 sqm'
MM-OCT5		Appendix 1 – site details for S-HAN1 Eversheds Sports Ground	<u>Remove main red line boundary covering the whole site.</u> Change dashed red line to solid purple line, and extend purple line boundary to include existing access to the building. Amend site area accordingly.