

EPPING FOREST DISTRICT COUNCIL: Examination of the District Local Plan, 2011 – 2033.

Essex County Council (19STAT0024) Examination Hearing Statement

MATTER 16: Development Management Policies

Issue 1	Are the Development Management Policies in the Plan justified, effective and consistent with national policy in respect of the specific matters set out below? Are there any other issues concerning their soundness?
Policy DM 4: Green Belt	
Question 8	<p>Are there any specific proposals to expand existing schools in the Green Belt? If so:</p> <ul style="list-style-type: none"> a. Would the provisions of DM4 in respect of inappropriate development risk frustrating these plans? b. Is it justified to expect such proposals to seek to demonstrate that very special circumstances exist to displace the presumption against inappropriate development or should some specific exception be made? Would such an exception be consistent with national policy? c. Should existing school sites be excluded from the Green Belt?

1. As the local education authority (LEA) for Essex county including Epping Forest district, Essex County Council (ECC) has a statutory duty to provide adequate school places for children in the county (including Early Years and Child Care (EYCC) places and meeting special education needs (SEND) needs)¹. Section 2 of the 2006 Education and Inspections Act further places Essex County Council, as the appropriate local authority, under a duty to secure diversity in the provision of schools and increase opportunities for parental choice.
2. The UK Government planning policy position on this is expressed clearly in NPPF 2012 (paragraph 72), as follows:

¹ Under section 14 of the 1996 Education Act, local authorities must secure sufficient school places to serve their area.

The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs 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.

They should:

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify and resolve key planning issues before applications are submitted.

In turn the NPPF (paragraph 17) requires local planning authorities (LPAs) to:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

3. ECC has identified the additional primary and secondary (plus EYCC) school places required as a result of growth outlined in the EFD LPSV, fitting it spatially to existing schools and where these have capacity to expand if possible. For some growth locations ECC has identified that new schools would be required, and these are reflected in relevant site policies.
4. However, there are some important factors and limitations as to the degree of certainty with which the exercise to establish how, where and when to meet the need for additional future school places can be defined at this point in time. One consideration is that, as the EFDC LPSV explains (see EFDC hearing statement on matter 4, paragraph 7 and LPSV paragraphs 2.58 and 2.65) EFDC chose a development strategy that provides a significant element of dispersion of growth, across 18 settlements and some rural settlements (some 4,150 homes). The effect of this combined with a predominantly rural district covering a relatively large area, presents some logistical and sustainability challenges for education service planning and delivery.
5. In addition, the growth outlined in the EFDC LPSV will require delivery of windfall development, the location of which, of course, cannot be identified in advance (stated as 385 homes over the Plan period). EFDC acknowledges this estimated windfall development figure as a conservative figure (see EFDC statement on matter 4, paragraph 51). Given the scale and nature of EFDC as a district, ECC agrees with that assessment. ECC notes that monitoring information on windfall developments does not appear to be available for EFDC district (through Authority Monitoring Reports).
6. ECC carries out detailed work on future population growth projections with Local Plan growth, and analyses this against its future education development programme. However, at this stage, before planning applications come forward with detailed information on development parameters, timing and form (house types, sizes, flats etc.) it is not possible to prepare detailed school place provision plans until such details are known, which will then inform the timing of when extra school places will

be needed. The ECC approach to this is described in the ECC Developers' Guide to Infrastructure Contributions (2016) (EB1107) and related supporting information on the education pages of the ECC website.

7. Another important factor is parental choice in schools and paragraphs 1 and 2 above make clear the importance that the Government attaches to this. The effect of this further influences the degree of certainty for ECC regarding the level of uptake of places at each school in future and therefore future capacity or otherwise at each school. Schools will also vary in popularity over time, with the important influences of Ofsted ratings and priority admissions areas.
8. In these ways, ECC contends that it is not possible for ECC as LEA to comprehensively identify now a full list of existing school sites within the Green Belt that can be planned for expansion. This is in particular with regard to the lifespan of the Local Plan extending from the present to 2033. Appropriate flexibility is therefore required to ensure that ECC can meet its statutory duties in future in providing adequate school places for all pupils requiring these within EFDC district, the risk being that the restrictions of Green Belt policy nationally and locally may serve to frustrate this.
9. ECC has advised EFDC that there are 24 schools located in Green Belt (GB) locations within the district (see list attached as Appendix 1). This is significant and indicates that a number of these may need to expand over the Plan period. The ECC representations accordingly sought appropriate flexibility for these schools to expand in future in order to ensure that the provision of additional school places could be ensured over the Plan period to meet needs arising from Local Plan growth. This seeks an approach to meet these needs through a proactive, Plan-led approach based as far as possible on providing clarity and certainty.
10. ECC recognises that NPPF (2012) requires Green Belt boundaries to only be altered in exceptional circumstances (as paragraph 83 makes clear). However, producing a new Local Plan provides the appropriate opportunity and means to do this and EFDC is doing so through a series of proposed Green Belt boundary changes to meet its identified growth needs. This was underpinned and informed by a Green Belt review and this review could have been the means through which to consider the status and growth needs of the many schools within EFDC in Green Belt locations. EFDC already has a review methodology, upon which it is relying for its planned Green Belt releases (for housing / other development sites).
11. ECC made these comments and this case at the EFDC Local Plan Regulation 18 (Draft Plan) stage. Since then, ECC advocated, as a possible alternative, a policy exception approach (proposed recently by Chelmsford City Council (CCC) for its own Local Plan, currently as examination stage). ECC advises that circumstances have moved on since then, with the CCC Inspector responding that national policy precludes a Local Plan from seeking to change the planning status of development for new buildings for schools within Green Belt locations such that it would be considered to represent appropriate development in the Green Belt (as paragraphs 89 and 90 address) through a dedicated Local Plan policy.
12. ECC recognises the need to strike an appropriate balance between providing suitable scope for flexibility towards accommodating future schools growth needs in Green Belt locations and providing suitable Plan-led protection of the Green Belt, together with suitable policy safeguards to address the individual circumstances of

each site concerned. At this point in time (including the Local Plan examination progress), ECC considers pragmatically that identifying an agreed form of supporting paragraph wording appears to be the most appropriate way forward on this matter.

13. ECC has identified a relatively straightforward form of paragraph wording that may assist decision makers when considering such development proposals. ECC considers that this (as a minimum) might be a potentially useful step forward from the current LPSV position, which is that of simply reiterating Green Belt policy on inappropriate development within the Green Belt. This suggested modification is as follows.
14. ECC recommend adding a new paragraph to support Policy DM 4 (or potentially) Policy D 2:

The Council acknowledges that due to the extent of the Green Belt in Epping Forest district there may be instances where new buildings related to community or educational uses may be proposed e.g. a new village hall or new buildings related to an existing school. In accordance with the NPPF, these types of uses will be considered inappropriate development. However, the locational need for these types of uses will be given appropriate weight when considering whether there are very special circumstances that weigh in favour of the proposals.

15. The Inspector is advised that having discussed this recently, EFDC and ECC agree to propose a change to this effect. It is anticipated that time has not allowed the agreement of the same precise wording at the time this statement is due to be submitted. However, it is hoped that by the time of this hearing session, that will have been achieved. The Inspector is therefore respectfully requested to support the above new paragraph wording (or similar).

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List of schools within Green Belt within Epping Forest district

DFES_NO	SCHOOL_NAM	SCHOOL_ALI
2660	High Ongar P	High Ongar Primary School
2685	Chipping Ongar P	Chipping Ongar Primary School
2840	Ongar P	Ongar Primary School
3239	Matching Green CE (V/C) P	Matching Green CE (V/C) Primary School
3670	Moreton CE (V/A) P	Moreton CE (V/A) Primary School
2823	Ivy Chimneys P, Epping	Ivy Chimneys Primary School
3123	Coopersale & Theydon Garnon CE (V/C) P	Coopersale and Theydon Garnon CE (V/C) Primary School
3125	Epping Upland CE P	Epping Upland CE Primary School
3837	Epping P	Epping Primary School
5241	St Andrew's CE (V/A) P, North Weald	St Andrew's CE (V/A) Primary School, North Weald
3124	High Beech CE (V/C) P	High Beech CE (V/C) Primary School
5242	Leverton P, Waltham Abbey	Leverton Primary School
5270	Upshire P Fdn	Upshire Primary Foundation School
2973	Buckhurst Hill P	Buckhurst Hill Community Primary School
2125	Chigwell Primary Academy	Chigwell Primary Academy
2163	Stapleford Abbots P	Stapleford Abbots Primary School
2690	Lambourne P, Abridge	Lambourne Primary School
2035	Roydon P	Roydon Primary School
4001	Debden Park High, Loughton	Debden Park High School
5405	West Hatch High, Chigwell	West Hatch High School
5426	Davenant Fdn, Loughton	Davenant Foundation School
4023	Epping St John's CE School	Epping St John's CE School
4016	Ongar Academy, The	The Ongar Academy
7022	Wells Park School, Chigwell	Wells Park School