



Mythbuster

December 2015

Myth	Reality
Lack of flood sequential testing and flood risk	The application site is not within a Flood Zone 2 or 3, or a flood defence area, there is therefore no requirement to undertake a flood risk sequential test or an exceptions test.
Concerns around community use	The school will look to lease classrooms, hall space as well as sports facilities to the local community for whatever purpose that may be.
Transport Concerns	The key transport points are highlighted in the Councillors briefing and a comprehensive Transport Assessment and Travel Plan have been submitted as part of the application. The submitted reports do have regard to committed development. Where reserved matters application have been subsequently granted, the cumulative transport impact is taken into account at outline application stage and included in the Transport Assessment.
History of Development on the Site and in the Nearby Area	The only relevant application is that for the sports development of the White Lodge site which has not proceeded. All other development proposals are in different locations and for different schemes.
Lack of Health Impact Assessment	There is no requirement for an application to be supported by a Health Impact Assessment and this is not a scheme that will detrimentally affect the health and wellbeing of the population.
Registration of interest in Nishkam West London	Proportionally the interest in the school is high and evidently oversubscribed.
The analysis of the support and objection Letters	A planning decision based solely on the extent of local opposition to a scheme would be flawed and open to challenge.
KOG proposals for the site	The suggested use of the White Lodge site and the Grasshoppers site are not what is proposed as part of this application and has no bearing on the consideration of the application. It does make it evident that KOG do not wish to see the appropriate provision of education within the locality, to meet the ever increasing demands for local children.
Site Designation	The site is designated as Metropolitan Open Land only, it is not designated as Open Space or for Leisure use. It is not an allocated site for any other development.

In the lead up to the planning committee this week, we have been made aware of a variety of claims being made about the proposals for a new home for Nishkam. We believe that it is important for Councillors and residents to base their opinion, whatever it maybe, on the correct facts of the matter. Below we look to correct some of the myths currently circulating about our application:

Myth	Reality
Cannot build on Metropolitan Open Land (MOL) "except in very special circumstances"	Nishkam have demonstrated that the development satisfies "special circumstances" through: <ul style="list-style-type: none"> The overwhelming need for educational spaces at all levels within London Borough of Hounslow. Appropriately demonstrating that this site is the only suitable site available at this time, to assist in meeting the educational need. To satisfy 'Very Special Circumstances' a demonstrable education need was established and then a Sequential Site Assessment was undertaken to ascertain site availability.
Submitted report has not addressed current school provision or shortage	The Local Education Authority (LEA) have confirmed Nishkam has been incorporated into its place planning and should it not be delivered, it will put into question the delivery of the HIP school also. Together this will result in a large and rising deficit of secondary school places in Hounslow.
School doesn't address needs of the area	The admissions criteria is similar to other schools within the Borough and the school is required to allocate places based on proximity if they are over-subscribed.
Issues with the catchment area	There is an extensive and overwhelming need for school places within Hounslow generally and the need for schools is pressing. Failure to deliver schools, just because the catchment may be larger than local residents consider necessary or appropriate, will only serve to exacerbate an existing issue.
Inclusion of a nursery in the Sequential Test	The Nishkam School Trust is an all through model that promotes education from the youngest possible age. The successful Nishkam model is for a school with a nursery. Therefore the site needs to be of a sufficient size to accommodate nursery. Even when excluding the nursery area, there are no alternative sites available.
The Site Sequential Test was not adequate	Prior to the assessment being undertaken, the criteria and methodology was agreed by the Local Planning Authority and followed rigorously. An exemplary process was followed, in which every site in Hounslow which meets the size criteria for a new school is evaluated for availability irrelevant of what the site is. The GLA stated: 'it is clear that a very thorough robust exercise has been carried out in the investigation of potential sites. The methodology is sound and the fact that it has been developed in discussion with Hounslow Council adds strength to this.'

Myth	Reality
There is a presumption against any inappropriate development on MOL	At all levels of planning policy, there is a presumption in favour of sustainable development, this is not as narrow as the statement made by KOG. As set out in the NPPF (para7) sustainable development has three facets: economic, social and environmental. Fundamentally the matter of 'presumption in favour of sustainable development' is, in cases such as this, a balanced decision, between impacts on the MOL, over the provision of essential school places. The case presented by KOG is very one sided and fails to have regard to this balance that must be reached. In essence there is a conflict between the two policy aims.
Community engagement was insufficient and the Council's planning portal and Nishkam application were inaccessible	The community engagement activity is outlined in the Statement of Community Involvement and three consultation events were held over the course of the application. Whilst frustrated with the performance of the Council's web page, it does meet the criteria set out in the Council's SCI. In regards to a lack of access to application documents, Nishkam provided 16 full sets of application documentation, 8 at the outset of the application and 8 sets in October. We believe these have been provided to the Residents group directly, as well as placed in local libraries.
Application was pre-determined	The EFA deal with many school applications and understands the planning process. They are fully aware of any pre-application advice being caveated and that any decision to purchase a site is done so at their own risk, as development is still subject to a planning application process and a legal decision.
Criticism of pre-application correspondence	All pre-application advice is provided by the Local Planning Authority on a without prejudice basis, it is for the applicant to consider that advice and how best to respond and engage with the LPA.
Lack of Environmental Impact Assessment	A screening opinion was submitted prior to the submission of the application and the LPA concluded that it was not EIA development.
The site had already been chosen	The site, whilst being identified in the early stages of the proposal for a school in Hounslow, was part of a Sequential Site Assessment undertaken by the EFA. The applicant was open to an alternative site being found.
Risk of piecemeal development	Should an application come forward, in respect to the northern part of the site, it would be subject to its own planning consultation and judged on its own merits.
Creates a precedent for similar developments	Each application would need to undertake an independent sequential site assessment at that time and other sites may be available by that time. No two sites are the same, nor do they have identical issues, therefore the argument of precedent fails.
Material Change of Use	Whilst this constitutes a material change of use, this change needs to be weighed against all material planning issues.

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Sequential test should not be considered to form part of the justification for "Very Special Circumstances"	Most fundamentally, an application of this nature should be submitted with its own independent site assessment to demonstrate the land availability at the time of that specific application. The sequential test submitted was non arbitrary and objective, with sites assessed against defined and agreed criteria. Para 24 NPPF is referred to, however, this relates to Town Centre developments only and is not relevant to this application, which is not defined as a Town Centre use.
Existence of alternative sites and retention of existing London Road School	A smaller site cannot be accommodated because the school cannot be constructed to as many floors required and there is a requirement to provide outdoor space and other provisions. Retention of the existing school is acceptable for a temporary period, however cannot accommodate any further capacity beyond September 2017. Some groups have suggested other sites that are Metropolitan Green Belt, highlighting the innate nimbyism of their objections.
Not in keeping with character of the area	The school is not fundamentally out of keeping with the form of the area and not detrimental to the character and appearance of the locality. The impact of the development will be reduced by the retention of the tree belt surrounding the site. The submitted a Landscape and Visual Impact assessment demonstrates this. The scheme is proportionate to the overall site, located in a manner that seeks to minimise the impact on the wider MOL and orientated in a manner that minimising impact on the local residents.
Cannot use MOL	The Council has sought to allocated circa 13 sites for educational purposes, all of these sites are either substantially too small, required for existing school expansion or not available. Given the overwhelming need for school places within the Borough, how can demand be met without the use of MOL?
MOL Relevant Rulings	The two rulings provided are not comparable to the application submitted, the first is in respect of a children's day nursery, not a school required to meet a statutory function, in a remote location that on balance, whilst acceptable in principle, failed in the planning balance on several points. The second is in respect of a replacement dwelling in the MOL, fundamentally different to the application as proposed.
Sports England objections	The site has not be available for any formal or informal public use since, at least, December 2007. The site does not comprise of any delineated area for sports provision, which could be defined as a playing pitch, it cannot therefore be classified as a playing field, by virtue of Sport England's own policy statement.