

DR/37/23**Report to:** DEVELOPMENT & REGULATION (27 October 2023)**Enforcement:** COUNTY COUNCIL DEVELOPMENT – Temporary development in response to Reinforced Autoclaves Aerated Concrete (RAAC) in schools and education settings**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Tom McCarthy Tel: 03330 320943

1. BACKGROUND

On 31 August 2023, the Department for Education (DfE) published new guidance regarding Reinforced Autoclaved Aerated Concrete (RAAC) in schools. The guidance advised all education settings to vacate areas that were known to contain RAAC, unless or until suitable mitigations were in place.

RAAC is a lightweight, 'bubbly' form of concrete commonly used in construction between the 1950s and mid-1990s. It is predominantly found as precast panels in roofs, commonly found in flat roofs, and occasionally in floors and walls. It is less durable and has a lifespan of around 30 years. Its structural behaviour differs significantly from traditional reinforced concrete. Moreover, it is susceptible to structural failure when exposed to moisture. The bubbles can allow water to enter the material. If that happens, any rebar reinforcing RAAC can also decay, rust and weaken. Because of this, RAAC is often coated with another material, such as bitumen on roofing panels, but this material can also degrade.

The safety of young people and staff is a priority for the DfE and the aforementioned guidance was issued as a precautionary step to address the safety risk of RAAC.

In terms of the presence of RAAC in educational settings nationwide, the DfE sent a questionnaire to all responsible bodies in 2022 asking them to provide information to help understand the use of RAAC across the school estate. Figures published by the DfE, on 14 September 2023, sought to suggest that the response to this questionnaire identified 174 cases of RAAC in schools nationwide.

On 8 September 2023, the Chief Planner at the Department for Levelling Up, Housing and Communities issued a letter to all Chief Planning Officers. A copy of this letter can be found at Appendix 1. The letter noted that some schools around the country may need to close buildings at short notice because of RAAC and, to minimise time that children spend out of school, temporary accommodation may need to be installed. The letter encourages local planning authorities to take a pragmatic approach and find solutions that minimise disruption to education, including the need for concurrent/retrospective applications, where unavoidable.

2. CURRENT POSITION IN ESSEX

As of 04 October 2023, it is understood that RAAC has been confirmed at 63 schools across Essex, 17 of which are maintained by Essex County Council and 46 are Academies.

Of the 63, 13 schools are currently needing to educate either all or some of their pupil roll in alternative accommodation or utilise remote learning. All full list of schools affected, together with the current teaching status/situation can be found at: <https://www.essex.gov.uk/news/2023/raac-schools-updated-list>.

Temporary teaching accommodation will be needed at some schools across Essex either as a direct result of the need to vacate a building/part of a building on-site or to provide temporary capacity to teach pupils from another school affected by RAAC whilst works are ongoing. And, in some cases temporary accommodation/provisions have already been installed.

Whilst there is a mix of ECC maintained schools and Academies affected by RAAC, ECC are working closely with all Academy Trusts and the DfE to understand the impact and provide support where necessary. Accordingly, ECC may in some cases assist or lead with the physical response/delivery to an issue at an Academy.

In consideration of the Council's adopted Local Enforcement and Site Monitoring Plan (2016), and the importance of minimising time that children spend out of school, it is recommended that the County Planning Authority (CPA) adopt a pragmatic approach to any potential breaches of planning control in the circumstances.

Officers are in regular contact with those leading the Council's response to RAAC and are providing informal planning advice on a case-by-case basis which should help reduce the planning risk for the Council. It is nevertheless recommended that should this blanket approach be adopted, with regard to formal enforcement action, that this be caveated with a requirement for the prompt submission of a planning application seeking to regularise any such development undertaken.

3. RECOMMENDATION

That, subject to any necessary retrospective regularisation, it is not considered expedient to take enforcement action against any breach of planning control caused by the installation of any temporary building or provision without planning permission by Essex County Council at an Essex educational setting as a direct or indirect response to RAAC.

LOCAL MEMBER NOTIFICATION

COUNTYWIDE

APPENDIX 1 – Letter from the Department for Levelling Up, Housing and Communities, dated 08 September 2023



Department for Levelling Up,
Housing & Communities

Joanna Averley
Chief Planner

**Department for Levelling
Up, Housing and
Communities**
3rd Floor, Fry Building
2 Marsham Street
London SW1P 4DF

08 September 2023

By email only

Dear Chief Planning Officer,

School buildings requiring closure and temporary onsite replacement due to confirmed reinforced autoclaved aerated concrete (RAAC).

You may have seen recent press coverage and announcements regarding a change of approach from the Department of Education (DfE) to mitigating the known risks of RAAC in educational settings, including schools. There is longstanding guidance from the Institute of Structural Engineers

([https://www.istructe.org/resources/guidance/reinforced-autoclaved-aerated-concrete-\(raac\)-inve/](https://www.istructe.org/resources/guidance/reinforced-autoclaved-aerated-concrete-(raac)-inve/)) to support building owners to identify, assess, and take remedial measures on RAAC if they are needed to make a building safe. Building on this advice, the DfE has issued new guidance for use in schools and education settings which can be viewed at: [Reinforced autoclaved aerated concrete: guidance for responsible bodies and education settings with confirmed RAAC](#).

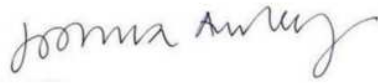
Schools around the country may therefore be required to close buildings at short notice. Where this is the case DfE will contact the relevant Local Planning Authority to discuss planning requirements. To minimise any time that children spend out of school, it may be necessary to site temporary accommodation, such as classrooms on school grounds while permanent buildings are worked upon or rebuilt.

Due to the urgent nature of these works we encourage local planning authorities to take a pragmatic approach in these cases to find solutions that minimise any disruption to education, including the need for concurrent/retrospective applications, where unavoidable.

There are also a number of permitted development rights that may be useful for schools and local planning authorities. Part 7 Class M of the General Permitted Development Order allows for the erection of school buildings on existing school sites, subject to certain parameters. Part 4 Class C allows for the use of any building and any land within its curtilage as a state-funded school for 2 academic years. Part 4 Class CA allows for the provision of temporary school buildings on vacant commercial land for up to 3 academic years.

I look forward to your ongoing cooperation on these matters.

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'Joanna Averley', written in a cursive style.

Joanna Averley
Chief Planner