

**APP/E2205/W/24/3345454: Land north of Possingham Farmhouse, TN26 3BQ**

Education contributions – justification

Provided to Ben Hunter, Associate Director - Education and Social Infrastructure  
EFM (Educational Facilities Management Partnership Ltd)

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## **Introduction and scope of this justification**

KCC met with representatives of Hodson Developments, EFM, and DHA on 25 July 2024, via Teams, to discuss the education contributions being sought. KCC agreed in this meeting, and a subsequent conversation with EFM to correct a mis-statement made in the meeting by myself, that it would provide justification for:

- Secondary school contributions
- Specialist places for pupils with SEND

In particular, the justification for secondary school places would demonstrate how the new school capacity at Chilmington Green Secondary School (currently under construction) which is to be funded from s106 contributions from that site, was being reserved for that development.

It appeared from the discussion that:

- it is accepted that KCC is the statutory education authority with responsibility for ensuring sufficient school places including those needed for SEND pupils;
- accordingly KCC is the appropriate body to seek contributions from developers where it can demonstrate the expected pupil demand from development cannot be met within available capacity; and
- the accuracy of KCC's forecasts was not in question.

Therefore, it is not my intention here to set out sections of local and national guidance and legislation, or provide data on these points. Clearly, if this is a misinterpretation, evidence can be provided.

### Policy framework to support the requests

- DfE – Securing Developer Contributions – August 2023
- DfE – Local Authority Pupil Planning Areas – Guide for Local Authorities – September 2021
- KCC Developer Contributions Guide 2023
- Kent Commissioning Plan for Education Provision 2024-28
- Kent SEND Strategy 2021- 24

## **Secondary School Places**

Appendix 1 sets out our assessment of need linked to this application. In line with KCC's Developer Contributions Guide (5.10.1) the application site has been reassessed following the appeal submission to ensure the request remains up to date and necessary.

### This demonstrates:

1. The development will produce 86 pupils.

2. This need cannot be accommodated. Line 89 shows a deficit of places exists throughout the forecast period. This is before the product from any housing contained in line 90 or from this development (line 91) is taken in to account.
3. A deficit would exist even if all existing schools continued to admit bulge classes and maintained capacity at their peak.

#### Housing mix:

As per the planning application, the assessment has been based on:

1. 16% of the 655 units will be one bedroom premises, thus we have assumed these will be non-applicable dwellings.
2. 60% of the 655 units will be applicable houses.
3. 24% of the 655 units will be applicable flats.

#### General points to note in the assessment:

1. Pupil forecasts combine the Ashford North non-selective and Ashford selective planning groups. These overlap, due to the travel flows of pupils which differ in the selective and non-selective sectors. In headline terms, we assume c25% of secondary pupils will attend selective schools.
2. Line 17 allows for 2% surplus capacity, the level of surplus advocated by the DfE.
3. All the schools are academies, thus the County Council is not the maintaining authority, or decision maker in respect of the number of places these school make available. Due to the pressure on places all have admitted above their PANs and the numbers contained in their funding agreements with the Secretary of State. The capacity available in some schools is set to reduce as year groups with “bulge classes” leave these schools, and the schools revert to admitting pupil numbers in line with their published admissions arrangements and their funding agreements.

#### Accounting for built/to be built capacity at Chilmington Green Secondary School:

This school is currently in temporary accommodation while its permanent buildings are under construction. It is due to relocate to its permanent site for September 2025. The s106 for Chilmington Green provides for a site and contributions for a 6FE secondary school (900 places).

In line with DfE guidance - Securing Developer Contributions 2023 (Para 66) – this capacity does not represent an available surplus for other developments assessing their impact and mitigation.

1. The current roll of Chilmington Green Secondary School (123 pupils) is included in the assessment (line 9). The current forecasts (July 2023) do not include a line for Chilmington Green School, as it was not open. The forecast pupil numbers are therefore distributed amongst the open schools.
2. The full capacity (900 places) of the new school is included in the current and forecast capacity section (line 21).

3. 4,984 homes that are due to be built in Chilmington Green, which are incorporated in the s106 contributions for that site, have not been factored in to the current or future forecast pupil section of the assessment.
4. Line 22 removes 847 places from the capacity at the school to account for the places being built which are due to be funded from the Chilmington Green S106 contributions, but which are not accounted for in the forecast demand.

### Conclusion- secondary school places

Possingham Farm will create a demand that must be mitigated.

### **Specialist Provision for Pupils with SEND**

It is recognised both nationally and locally that the demand for specialist places for pupils with Education, Health and Care Plans is exceeding supply. This has been fueled by the significant increase in the proportion of children with such plans. Nationally, c2.8% of pupils had an EHCP in 2018, by 2023 the proportion was c4.3%. The rate in Kent significantly exceeds national and rose by 6.8% between January 2022 and January 2023.

The travel distances for pupils who attend specialist provision are very different from those attending mainstream school, because of the smaller number of special schools and specialist resourced provisions (SRPs), and their need type designations. For example Ashford District has a 2-19 special school for pupils with Profound, Severe and Complex needs, and an 11-18 special school designated for more able pupils with Social, Emotional and Mental Health needs. Pupils not meeting these designations may have to travel to schools in other districts. This is true also for those attending specialist resource provisions.

Accordingly to evidence the need for contributions I include county and district level information.

### This demonstrates:

1. At county level, the number of pupils on roll of state maintained special schools and SRPs (May 2024) exceeded the capacity available (SCAP 2023) by 303 pupils (4.1%);
2. In Ashford district the roll exceeded capacity by 6 pupils (1.0%);
3. As of January 2024, Kent had 1776 pupils with EHCPs placed in independent non-maintained special schools. This represented 18.6% of placements at that point in time.
4. The evidence need from this development is 4.7 pupils.

### Housing mix:

The mix set out above in the secondary contributions section has been applied.

## Policy justification

Kent County Council Developer Contributions Guide 2023 Technical Appendix 7: Education – Special Educational Needs and Disabilities (SEND) applies.

[Technical-Appendix-7 Education SEND.pdf \(kent.gov.uk\)](#)

I will not repeat the information here, save to make the following points to assist:

- Paragraph 3.2.1 makes the point that Kent’s SEND infrastructure is currently at capacity, so KCC will seek contributions from all housing proposals that meet the eligibility threshold. The data below evidences this statement.
- Paragraph 3.3.1 and Table 1 set out the calculation used to determine the demand generated by the developments.
- Paragraph 4.1 and Table 2 set out the contribution rates applied.

## SEND Capacity

Table 1 sets out at county level the capacity, roll and the surplus/deficit of places at state funded special school and SRPs. This demonstrates that as at May 2024 these provisions had 303 pupils on roll above the capacity reported in our SCAP return in 2023. Additionally KCC has needed to place 1776 pupils in independent non-maintained special schools in order to meet its statutory duties. This is a stark illustration of the pressure in the system, and the truth of the statement that “there is currently no surplus capacity in state funded specialist provision in Kent”. Also, it is true to say that it is financially imperative we reduce our reliance on the independent sector, which means moving forward all state funded capacity will continue to be used and thus will not be available to serve the additional demand generated by new development. The DfE Securing Developer Contributions document, paragraph 28, states “If you currently rely heavily on provision outside your area and/or independent provision at a significant distance from pupils’ homes, this can indicate a shortfall in specialist provision which will be exacerbated by additional housing development and could be mitigated by developer contributions.”

*Table 1: State funded specialist provision in Kent*

School Status	Total Capacity*	Roll May 2024	Surplus/deficit places
Special School	5988	6282	-294
Specialist Resourced Provision	1462	1471	-9
<b>Kent Total</b>	<b>7450</b>	<b>7753</b>	<b>-303</b>

\*The total capacity is based on the higher of the commissioned number or roll as of January 2023. This is the figure sent to the DfE and published.

Table 2 presents the same information, but for state funded specialist places in Ashford. The total specialist capacity in Ashford as of January 2023 was 624. As of May 2024, there were 630 pupils on roll, 6 above the total capacity.

*Table 2: State funded specialist provision in Ashford*

School	Total Capacity *	Roll May 2024	Surplus/deficit places
Goldwyn Community Special School	203	202	1
The Wyvern School	349	362	-13
Ashford Oaks Primary School	14	13	1
Chilmington Green Primary School	8	8	0
Finberry Primary School	11	8	3
John Wesley CE and Methodist Primary School	10	10	0
North School	29	27	2
<b>Ashford Total</b>	<b>624</b>	<b>630</b>	<b>-6</b>

\*The total capacity is based on the higher of the commissioned number or roll as of January 2023. This is the figure sent to the DfE and published.

### Conclusion- specialist places

Both nationally and locally state funded specialist capacity is under extreme pressure, necessitating heavy reliance on expensive independent provision, making the system financially unsustainable. The number of pupils with an EHCPs continues to increase despite robust efforts to bring system change.

State funded specialist provision in Ashford and across the County as a whole is already over capacity. All such capacity will continue to be filled as we prioritise reducing placements in the independent sector. Possingham Farm will create a demand that must be mitigated.

### Contributions requested

The assessments demonstrate that the County Council is justified in seeking contributions to mitigate the impact of this development in respect of secondary school and SEND places. In line with our guide, the contributions required are:

- £5,587.19 per applicable house and £1,396.80 per applicable flat towards Secondary Education places; and
- £559.83 per applicable house and £139.96 per applicable flat towards the provision of additional SEND places and/or additional SEND facilities to serve the needs of the development within the District.