

Technical Appendix 4: Education Overview

1. Education Service Overview

- 1.1. KCC is the Statutory Authority for Education and the Strategic Commissioner of Education Provision from the private, voluntary, charitable, and maintained sectors. It is the major provider of education, maintaining most Kent schools, and is also 'provider of last resort' when no other acceptable new provision comes forward.
- 1.2. Education in Kent is divided into three, sometimes overlapping phases:
 - Early Years: primarily delivered by private, voluntary, and independent pre-schools, accredited child-minders, and schools with maintained nursery classes;
 - 4-16 years: "compulsory school age" during which schools are the main providers;
 - Post-16: schools and colleges, the latter being the sole provider for young people aged 19-25 years.
- 1.3. The Local Authority also has specific duties in relation to provision for pupils with Special Educational Needs (SEND), those excluded from school and those unable to attend school due to ill health.
- 1.4. KCC's Commissioning Plan for Education Provision in Kent (KCP) is a five-year rolling plan updated annually. It sets out how KCC will ensure:
 - Enough high-quality education places;
 - Places located in the right areas;
 - Places for all learners.

The latest version of the KCP can be found [here](#).

Maps of all schools by district can be found [here](#).

2. Capital Funding – Meeting the Educational Need of New Developments

- 2.1. Planned housing growth in Kent is equivalent to building another town the size of Faversham every year until 2031. Providing education infrastructure to meet the needs of this new housing is essential.
- 2.2. There are multiple funding sources including Government Basic Need Grant and borrowing by KCC. However, the Department for Education's (DfE) ['Securing Developer Contributions for Education' November 2019](#) is clear that, where new places are required to meet the need of new housing development, KCC should seek s106 contributions both for build and land requirements. Paragraph 5 of the DfE's guidance states:

‘Central government basic need grant, the DfE free schools programme and other capital funding do not negate housing developers’ responsibility to mitigate the impact of their development on education.

‘When the DfE free schools programme is delivering a new school for a development, we expect the developer to make an appropriate contribution to the cost of the project, allowing DfE to secure the school site on a peppercorn basis and make use of developer contributions towards construction.’

2.3. Specifically, the guidance requires that:

- Housing development should mitigate its impact on community infrastructure, including schools;
- Developer contributions towards new school places [1] should provide both funding for construction and land where applicable subject to viability assessment when strategic plans are prepared and using up-to-date cost information; and
- The early delivery of new schools within strategic developments should be supported where it would not undermine the viability of the school, or of existing schools in the area.

[1] Including SEND and Early Years provision.

3. Commissioning School Places

- 3.1. As the Strategic Commissioner, KCC must ensure sufficient school places across Community, Voluntary Aided and Controlled, Foundation, Academies and Free School provision, through the expansion of existing schools and building new ones.
- 3.2. Paragraph 94 of the NPPF states: ‘It is important 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 through the preparation of plans and decisions on applications; and
 - Work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.’
- 3.3. As the statutory authority, KCC has a duty to set out the requirements for any new school needed to serve a new or growing community. The county

council should, therefore, be a signatory to any s106 agreement and receive appropriate contributions.

4. Land Contributions and Allocation of Sites

- 4.1. Where new schools are required, or additional land is needed to enable an existing school to expand, KCC will seek the provision of land and/or proportionate financial contributions.
- 4.2. National Planning Practice Guidance advises how local planning authorities (LPAs) should prepare plans and take account of education requirements. KCC will work with the LPAs and developers to identify and allocate sites to ensure additional education places are planned for, including land required for school expansions and new schools.
- 4.3. This land should be provided to KCC at 'nil consideration'. Where the site has been allocated in the development plan for a school or where there is no realistic prospect of development, its value will normally be based on its existing or alternative-use value. If the site could realistically obtain residential permission, if it had not been required to provide education infrastructure for other sites, it will normally be valued at residential land value: it will still be provided to KCC at nil consideration, however. KCC will work with the LPAs to secure this via the s106 process and CIL contributions.
- 4.4. Where a developer is providing land and the site area exceeds the development's needs, the landowner should not be disadvantaged. In these cases, KCC will seek proportionate land contributions from other sites and transfer these sums to the land provider when received.