

TOWN AND COUNTRY PLANNING ACT 1990
(as amended)

Appeal by Hodson Developments Ltd

**Land to the North of Possingham Farmhouse,
Ashford Road, Great Chart, Kent,**

EDUCATION MATTERS

Section 106 Planning Obligation Requirements

Kent County Council (“KCC”)

REBUTTAL TO KCC EDUCATION PROOF OF EVIDENCE

Ben James Hunter

BA DipMS

PINS Reference: APP/E2205/W/3345454

LPA References: 22/00571/AS

Date: 24th September 2024

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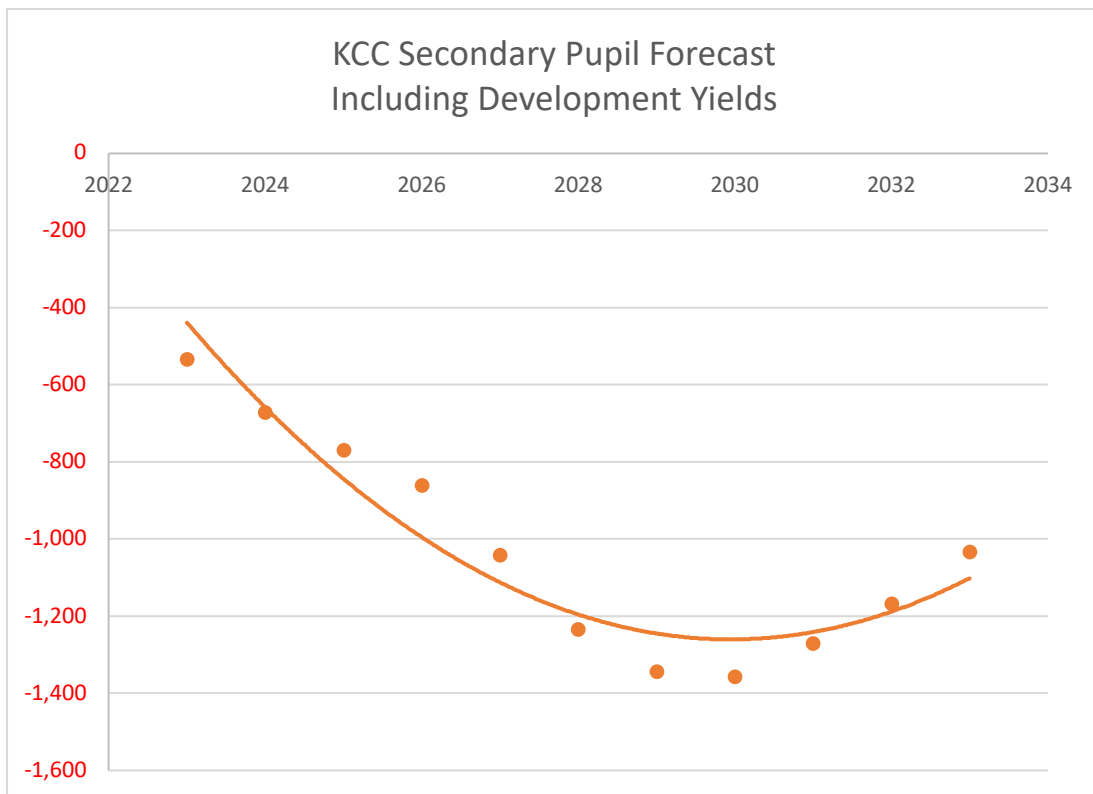
1 Introduction

1.1 My name is Ben James Hunter. My qualifications and experience are discussed in my Education Proof of Evidence.

2 Secondary School Projection Figures – Ashford

2.1 In order to assist with discussions during the Possingham Farm Planning Inquiry, please see below some graphic illustrations of the difference between KCC’s figures in relation to Secondary School numbers in Ashford.

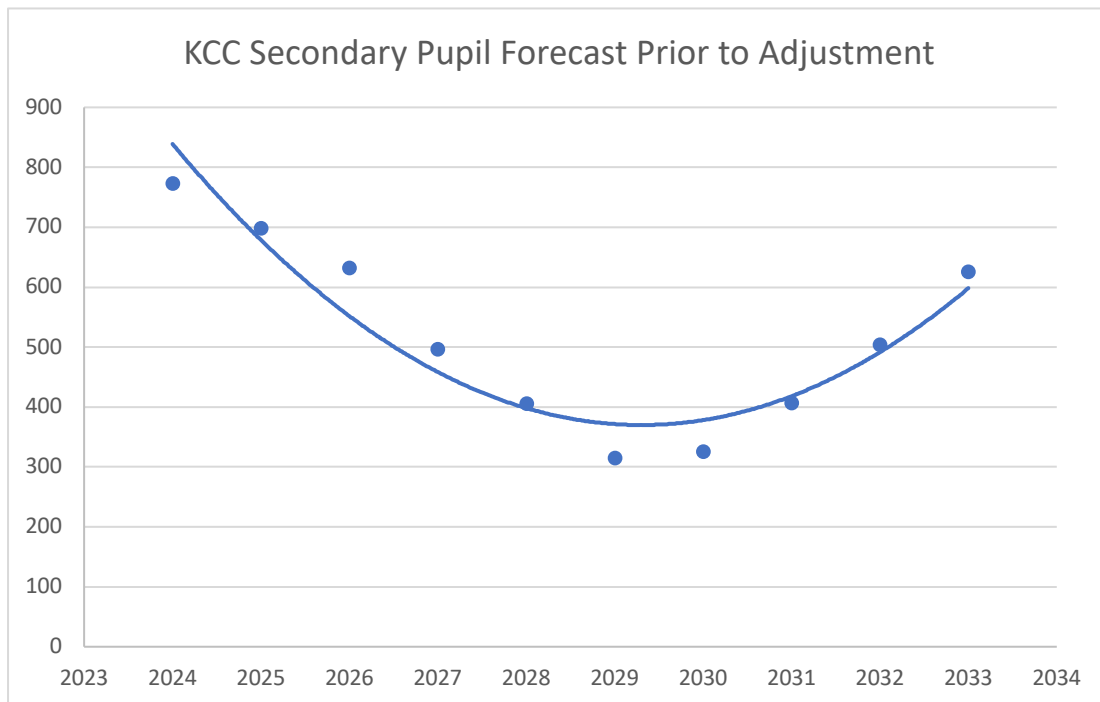
2.2 Graph 1 below demonstrates KCC’s forecast pupil deficit, which includes the full child yield of Chilmington Green, Possingham, and other developments without signed Section 106 agreements coming forward in the area. This is consistent with the figures shown in KCC’s evidence:



Graph 1: KCC Capacity Projections (via KCC’s Proof of Evidence)

2.3 The importance of this graph is to demonstrate the extent to which KCC claim the Secondary Schools in the Ashford area will be over capacity in the coming years, and how different that looks to what is actually being seen in Ashford.

2.4 Graph 2 below is a graphic representation of the Secondary School capacity figures once the full impact of Chilmington Green, Possingham Farm, and other developments are removed. The impact of the remaining developments will then be applied progressively. This is because these developments will be generating children over time, and not all at once:

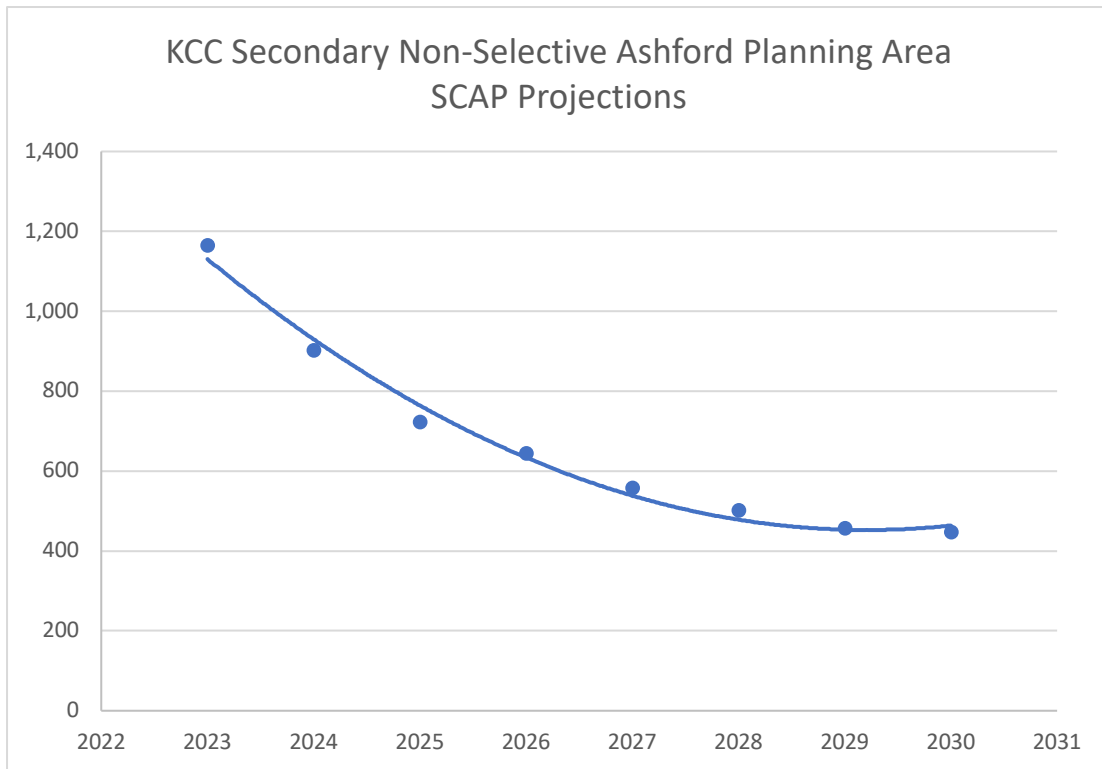


Graph 2: Adjusted KCC Secondary Forecasts (via KCC's figures, adjusted)

2.5 It is not a fair representation of the figures to show the full impact of a development which is coming forward slowly, and thus the Secondary yield is coming forward gradually over a long period of time. Graph 2 removes the erroneous inclusion of 100% of the child yield of neighbouring and potential developments to show that the area is never forecast to go in to a deficit.

2.6 The final Graph below shows the spare capacity projections provided to the Department for Education in September 2023 in order for them to ascertain whether

any funding is to be allocated to KCC in order to expand the area through its Basic Need allocation.



Graph 3: KCC SCAP Forecasts

2.7 What this demonstrates is that the Ashford Secondary Non-Selective Planning Area is expected to have a considerable amount of surplus capacity up to the end of the decade. This again demonstrates just how inappropriate KCC figures in Graph 1 are, and how they fundamentally misrepresent the actual capacity figures in the area. If there is no deficit of places, then planning obligations cannot be said to make the development acceptable in planning terms, nor be fairly and reasonably related in scale and kind to the development.

3 Point of clarification

3.1 KCC state in paragraph 37 of their Proof of Evidence the following:

It is important to note that the Appellant has submitted an appeal under s106B of the Town and Country Planning Act 1990 seeking to modify and discharge a significant

number of their planning obligations contained within the s106 agreement for Chilmington Green. Amongst the variations being sought is the discharging of £8.95m of contributions towards the secondary school. It seems incongruous that the Appellant is arguing in this appeal that their development should benefit from the infrastructure another of its sites is funding, whilst simultaneously running a separate appeal to be relived of making that full financial commitment.

- 3.2 This is not the case. The Section 106B Appeal seeks a deferral of the timing of the contributions towards the Secondary School payable under the Section 106 agreement for Chilmington Green, but does not seek reduce the amount of the Secondary School contributions. The £8.95m of contributions referred to by Mr Adams was removed from the Section 106 Agreement by paragraph 1 of Schedule 1 of the Deed of Variation entered into by Hodson Developments (Ashford) Limited and others with KCC and ABC on 13 July 2022. The statement made by KCC in their Proof of Evidence is therefore inaccurate and should be disregarded.

4 Conclusion

- 4.1 The Appellant and KCC's difference with regards to whether Secondary School planning obligations are necessary to make the development acceptable in planning terms comes down to how the figures are represented. KCC believes that it is appropriate for the full child yields of Chilmington Green and other developments to be applied to the current capacity numbers. The Appellant believes that this is not a true representation of how children come forward on new developments, and that places will be available for the children of Possingham Farm when they are required, without the need to grow the area any further.

Signed:



Ben Hunter

Associate Director – Education and Social Infrastructure

EFM

24th September 2024