Statement of Common Ground
EDUCATION

CHILMINGTON GREEN, ASHFORD ROAD, GREAT CHART, TN26 2BQ

Planning Application Reference:

12/00400/AS

Planning Appeal Reference:

APP/E2205/W/24/3345454

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THIS STATEMENT OF COMMON GROUND HAS BEEN AGREED BY:

KENT COUNTY COUNCIL

Signed [redacted]

Name **David Adams**
Assistant Director Education (South Kent)
Kent County Council

Dated 5th February 2025

HODSON DEVELOPMENTS LIMITED

Signed [redacted]

Name **Ben Hunter**
Associate Director – Education and Social Infrastructure
EFM Ltd
(on behalf of Hodson Developments Ltd)

Dated 5th February 2025

1. INTRODUCTION

1.1. This Statement of Common Ground ("**SoCG**") has been prepared jointly by Kent County Council ("KCC") and EFM on behalf of Hodson Developments Ltd ("**the Appellants**"). This statement concerns an appeal ("**Appeal**") to modify the education obligations contained in the S106 agreement related to CHILMINGTON GREEN, ASHFORD ROAD, GREAT CHART, TN26 2BQ ("**the Site**").

1.2. This SoCG sets out a written statement of factual information about the Appeal, which is agreed between the Parties. The SoCG concludes with the areas that remain in dispute between the Parties.

2. RELEVANT GUIDANCE

2.1. The Department for Education ("**DfE**") published guidance on "Securing Developer Contributions for Education" (August 2023) setting out under paragraph 7:

"It is important that the impacts of development are adequately mitigated, requiring an understanding of:

- The education needs arising from development, based on an up-to-date pupil yield factor;
- The capacity of existing schools that will serve development, taking account of pupil migration across planning areas and local authority boundaries;
- Available sources of funding to increase capacity where required; and
- The extent to which developer contributions are required and the degree of certainty that these will be secured at the appropriate time."

2.2. The document Securing Developer Contributions for Education is included as Core Document CD9/6 and its contents is a matter of common ground.

3. MATTERS AGREED BETWEEN THE PARTIES

3.1. The Parties agree that KCC is the (Upper Tier) Local Authority (Education and Children's Services Authority) and is the strategic planner for schools and school places with a statutory duty to secure sufficiency and diversity of provision for its area. The Local Authority as Strategic Commissioner of Education Provision has a key role in securing funding to provide sufficient education provision in the County, particularly in schools. The cost of providing additional school places is predominantly met from Government Basic Need Grant, monies secured via developer contributions and prudential borrowing. Public funding should not negate

housing developers' responsibility to mitigate the impact of their development in education and should not be seen as an alternative to meeting needs through a S106 agreement. Similarly, funding secured from housing developers should only be of a scale and kind to mitigate the impact derived of their development.

3.2. KCC has produced an Education Assessment and an Alternative Education Assessment. It is agreed that:

- The housing trajectory used is that provided by the Appellant.
- There is no double counting of pupil yield arising from the 763 dwellings with full planning permission because account has been taken of the housing incorporated in KCC's 2024 pupil forecasts.
- The housing mix used at Step 2 is that previously provided by the Appellant (The Melton Mix) and accords with the planning permission for the Site as set out in Condition 100. There is also an Alternative Education Assessment based on the housing mix provided by Mr Hunter on 31st January 2025 that the Appellant states uses the Reserved Matters Approvals and Submissions. It is agreed that the provision of flats in this Alternative Education Assessment also accords with the planning permission for the Site as set out in Condition 100.
- The Pupil Yield Rate (PYR) applied (0.363 per house and 0.127 per applicable flat) is the most up to date data. Its source is the Department for Education's data dashboard.
- In Step 3 the school rolls and capacity for the primary schools in Ashford South Planning Area should be used.
- The school capacity used in Step 3 is accurate. It is appropriate to assume this remains constant after 2033/34 through the remainder of the buildout of the Site (to 2048).
- The pupil forecasts used in Step 3 up to 2033/34 are undisputed.
- There are no pupil forecasts beyond 2033/34 available at the level of Ashford South planning area. Sub-national population forecasts produced by the Office for National Statistics (2018) extend to 2043, but data is at a district level. ONS birth numbers for Ashford are forecast to rise during the 2030's and 40s, but this data too is at district level.
- The unmitigated primary pupil demand from Possingham Farm should be included in the Education Assessment. Phasing the delivery of this development over 8 years is consistent with the evidence presented to the Inspector in the Possingham Farm Appeal.
- Allowance should be made for a 2% operating surplus, and this has been properly accounted for.

3.3. The Education Assessment (The Melton Mix) shows a deficit of primary school places in the Ashford South Planning Area from 2030/31. The Alternative Education Assessment shows a deficit of primary school places in the Ashford South Planning Area from 2031/32.

3.4. The 420 places at Primary School One are included in the school capacity available in Step 3. The Education Assessment shows a cumulative deficit of 1,182 primary school places by completion in 2048 (The Melton Mix). This is a further 5.6FE of pupil places in addition to Primary School One. The Alternative Education Assessment shows a cumulative deficit of 956 primary school places by completion in 2048. This is a further 4.6FE of pupil places in addition to Primary School One.

3.5. Each new primary school is expected to provide 2FE (420 places).

3.6. Step 4 maps out the points at which the locations of sites need to be agreed, sites transferred and schools opened in response to the forecast deficit of places.

3.7. Step 4 of the Education Assessment demonstrates there is scope to delay the timings related to Primary Schools Two and Three by potentially two years and one year respectively. The Alternative Education Assessment extends these periods, potentially to two and three years respectively.

3.8. It is agreed that there is no nationally recognised methodology regarding how the pupil yield of new houses changes over time. The Appellant is not seeking to rely on an argument that primary pupil demand will reduce during the build out of the Site.

3.9. It is agreed that a "monitor and manage" approach is sensible for large sites with long delivery periods. It is agreed that the provisions within the current s106 agreement does not currently contain (or otherwise provide for) any review, monitor or manage mechanism.

3.10. The Department for Education's Basic Need Funding (BNF) methodology and funding allocations have operated on a three-year rolling basis, in simple terms, as follows:

- BN allocations for 2025-26 were announced in March 2023.
- BN allocations for 2025-26 were calculated using local authority School Capacity Survey (SCAP) data submitted in May 2022.
- By school place planning area, SCAP compares school capacity and forecast pupil numbers (uplifted by 2%). The gap is the "basic need".
- The 2025-26 allocation is based on the projected need for new places by September 2026.
- Places funded in previous years (2021-22 to 2024-25) are discounted to ensure these are not double funded.

3.11. The effect of the BNF model on building new schools is twofold:

- "Salami slicing" – the funding for a Primary School which is expected to fill over 8 years, would be received in 8 instalments.
- If the LA forward funds places ahead of the need identified under the SCAP methodology, it will not receive future BN funding to recover that forward funding.

- The 2025/26 primary education BN funding rate for Kent (from the DfE) is £19,648.88 per pupil place.

3.12. BNF does not cover the costs of purchasing land (Para 12 DfE Securing Developer Contributions – CD9/6).

4. MATTERS NOT YET AGREED BETWEEN THE PARTIES: CRITICAL ISSUES

4.1. The housing mix that should be applied to the Education Assessment. KCC's position is this should be based on the Melton Mix (92.17 houses, 6.96% applicable flats) as this is reflected in the planning permission, which allows no more than 92.7% of the dwellings to be houses and no less than 5.9% to be applicable flats. The Appellant's position is that to achieve the densities required by the planning permission, the mix is likely to be nearer 74% houses and 26% flats, which is reflective of the planning permission under Condition 100.

4.2. In both the Education Assessment and the Alternative Education Assessment, KCC state that it is appropriate to assume that forecast roll numbers in Step 3 will stay the same beyond 2033/34 up to 2048/49. The Appellant disputes this, as it represents a fundamental change in the trend forecast over the previous ten-year period.