



Sevenoaks District Council  
Development Management (Planning)  
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Kent TN13 1HG

FAO: Sean Mitchell

## Economic Development

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17 March 2022

Your Ref: SE/20/02988/OUT  
Our Ref: K/E/ SE/20/02988/OUT RJK

Dear Sean,

### **Planning Application: SE/20/02988/OUT – Land North of Town Station Cottages, Edenbridge Provision and Delivery of County Council Community Services:**

We understand that Sevenoaks District Council (“SDC”) will consider this application afresh at its next planning committee on 21 March 2022. Please find attached our up-to-date assessment of education requirements arising from this development based on the outline application for 340 dwellings and our most up to date review of school spaces. In short, up to 68 additional secondary school places are required to serve this development, along with contributions towards the costs of extra SEN provision, and appropriate land for a new secondary school are required. This letter just addresses the need for education contributions (all other requirements for contributions to KCC infrastructure and services remain as in our earlier statutory consultation response dated 11 November 2020).

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind

These tests have been applied in the context of this planning application and give rise to the following specific education requirements (the evidence supporting these requirements is set out in the attached Appendices). We rely on our earlier letter for all other contributions.

**Requirement Summary (see addendum information page 8)**

|  | <b>Per Applicable House (x 340)</b>  | <b>Per applicable flat (0)</b> | <b>Total (assessment totals based on all dwellings being houses as per application detail)</b> | <b>Project</b>  |
|--|--|--------------------------------|--|---|
| <b>Secondary Education (build costs)</b> | £5,176.00  | £1,294.00                      | £1,759,840.00  | Towards a new Secondary School on the proposed site or for additional secondary provision within Sevenoaks District |
| <b>Secondary Land</b>                    | The proposed safeguarding of a site for a new Secondary school of 5.3 ha is noted. |                                |  |   |
| <b>Special Education</b>                 | £617.31  | £154.33                        | £209,885.40  | Towards Milestone Academy Special School expansion, New Ash Green DA3 8JZ   |

‘Applicable’ excludes: 1 bed units of less than 56 sqm GIA, and any sheltered accommodation.

Please note:

- that the figures for Secondary Education are to be **index linked by the BCIS General Building Cost Index from April 2020 to the date of payment** (Apr-20 Index 360.3)
- that the figures for Special Educational Needs and Disabilities are to be **index linked by the BCIS General Building Cost Index from Qtr 4 2020 to the date of payment** (Q4 2020 at 364).
- are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.

## **Justification for infrastructure provision/development contributions requested**

The County Council has modelled the impact of this proposal on the provision of its existing services and the outcomes of this process are set out below and in the attached appendix.

### **Secondary School Provision**

The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 1.

A contribution is sought based upon the additional need required, where the forecast secondary pupil product from new developments in the locality results in the maximum capacity of local secondary schools being exceeded.

The proposal is projected to give rise to up to 68 additional secondary school pupils from the date of occupation of this development. This need can only be met through the provision of a new Secondary School on land proposed in the application or, in accordance with DfE Guidance Securing development contributions 2019 para 20, the contingency will be through additional secondary provision within Sevenoaks District.

The new secondary school accommodation will be delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan (where available and up to date); timetable and phasing.

Please note this process will be kept under review and may be subject to change as the Local Education Authority will need to ensure provision of the additional pupil spaces within the appropriate time and at an appropriate location.

As stated by KCC's Area Education Officer for Sevenoaks in his 12<sup>th</sup> February 2021 letter to the applicant, there may be the possibility that the school build would be funded by the Department for Education (DfE), but this is by no means guaranteed. As such, any s.106 agreement for this development would specify a clause that the applicant's secondary education build contribution would be passed onto the DfE towards the overall build costs.

### **Proposed school site**

KCC's requirement is for the land for the secondary school to be transferred to KCC at nil cost and according to our General Transfer Terms (attached). The secondary school site should be centrally located within the development to provide good accessibility, and to encourage active travel. The site should be level and of regular shape.

It is noted that the masterplan suggests use of school playing fields for formal play by the public outside of regular school hours. This is a concern in terms of school site security, including the costs of additional secure fencing and other security measures

to demarcate the school buildings from public access, as well as the logistical management and staffing to allow facilities for dual use. There is also the concern that the quality of the pitches would deteriorate more quickly with formal public access and require additional, costly maintenance. Also, pitches open to the public are likely to lead to unofficial use, such as dog walking and potential 'fouling' of sports pitches. This would incur health concerns and additional management of playing fields to ensure pitches are clear of hazardous litter. The provision of secondary sports pitches should be as per the requirements set out in Building Bulletin 103 or subsequent bulletins.

## **Primary Education**

There is currently no need for more spaces within the assessed education planning groups.

## **Special Education Needs and Disabilities provision<sup>1</sup>**

The Children's and Families Act 2014 and accompanying Code of Practice sets out the system for children and young people with special educational needs and disability (SEND) aged 0-25 years. KCC's SEND Strategy sets out its vision and priorities in respect of this area of its service.

The number of children and young people with SEND in Kent is 13.4% of the total school population (January 2019). The majority are educated in mainstream school environments. However, children with more complex needs are supported through an Education, Health and Care Plan (EHCP) which sets out the provision they are entitled to. January 2020 figures for Kent show that 4.2% of the total school population had an EHCP. The proportions have been rising both in Kent and nationally and this trend is set to continue. However, for the purposes of s.106 contributions, KCC is working to the national figure of 3.7%. In addition, the change in legislation in 2014 placed a duty on Local Authorities to maintain an EHCP until a young person reaches the age of 25 years, in appropriate cases.

School-age pupils with EHCPs are educated in mainstream school classes, in Specialist Resourced Provisions (SRPs) on mainstream sites, and in stand-alone special needs schools.

To take account of the provision types, the local KCC has applied a blended build cost of £45,916 per pupil place has been applied. This is the rate used in conjunction with the SEN Pupil Product Ratios for this request and accompanying assessment (Appendix 1a). The SEN pupil product ratios are 0.0134 per house and 0.0033 per applicable flat. In comparison, please note that the [National School Delivery Cost Benchmarking Study \(May 2021\)](#) published by the Education Building and Development Officers Group (EBDOG)<sup>2</sup> identifies the SEN special school expansion cost of £76,184 per pupil place.

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<sup>1</sup> SEND figures and data are provisional and subject to final check.

<sup>2</sup> EBD OG is a national body, representing Local Authorities on all issues associated with education, property and capital planning.

Para 17 of the DfE's Securing Developer Contributions for Education 2019 states '*...We recommend that developer contributions for special or alternative school places are set at four times the cost the mainstream places, consistent with the space standards in Building Bulletin 104*'.

The proposal gives rise to additional pupils with Education and Health Care Plans (EHCP's) requiring extra support through specialist provision. This need will be met, as with other new developments in the vicinity, through additional provision at Milestone Academy Special School, New Ash Green DA3 8JZ and a contribution is therefore required of **£617.31 per 'applicable' house and £154.33 per 'applicable' flat.**

### **Implementation**

The County Council is of the view that the above contributions comply with the provisions of CIL Regulation 122 and are necessary to mitigate the impacts of the proposal on the provision of those services for which the County Council has a statutory responsibility. Accordingly, the County repeats its request that the Local Planning Authority seek a section 106 obligation with the developer/interested parties prior to the grant of planning permission. The obligation should also include provision for the reimbursement of the County Council's legal costs, surveyors' fees and expenses incurred in completing the Agreement, and County monitoring fee of £500 for each trigger within the Agreement.

We have obtained counsel's advice, which we enclose with this letter, and ask that the planning committee on 21 March 2022 is made aware of this updated request and the legal advice we have received.

Yours sincerely

[Redacted Signature]

Development Contributions  
Kent County Council

Cc

[Redacted Email Address]

KCC, Education & Communities,  
File

Appendices:

The following Appendices contain the technical details of the County Council's assessment process.

1. Education Assessment

- 1a. Secondary & SEND School Build Costs
2. KCC General Land Transfer Requirements

## **Addendum - Development Contributions Rates information**

### **Secondary Education**

The rates for secondary referred to in the table (page 2 of this letter) were introduced in February 2018, following approval by the Infrastructure Funding Group (19 December 2017). The rates have since been updated in line with inflation, with indexation now based at April 2020. The latest ECP (2022-26) records a slightly different rate to what we have been requesting (see table below). This is because KCC Property has undertaken an extensive review of its own build costs for projects completed and benchmarked these against projects nationally.

The secondary requirement in relation to Four Elms is for a newly built school, which is assessed at per pupil cost of £25,880.00. The Education Assessment methodology works on the basis that each house in a development will produce 0.2 pupil product and each flat 0.05. These are KCC adopted Pupil Product Ratios (PPRs). Multiplying each of these PPR figures by the cost per pupil place provides for the new build secondary education rate of £5,176.00 per house and £1,294.00 per flat.