

**TOWN AND COUNTRY PLANNING ACT 1990**  
**(as amended)**

**Appeal by Pentland Homes Ltd and Malcolm Jarvis Homes Ltd**

**LAND AT POUND LANE, MAGPIE HALL ROAD, BOND LANE, AND  
ASHFORD ROAD, KINGSNORTH, KENT**

**EDUCATION MATTERS**  
**Education Provision in Kingsnorth, Ashford, Kent**

**Kent County Council**

**SUMMARY PROOF OF EVIDENCE**

**Ben James Hunter**  
BA DipMS

PINS Reference: APP/E2205/W/23/3320146

LPA Ref: 15/00856/AS

**Date: 14<sup>th</sup> September 2023**

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**1 Background**

- 1.1 My name is Ben James Hunter. My qualifications and experience are detailed in the main Education Proof of Evidence.
- 1.2 I am instructed to act for the Appellants in respect of this Appeal.
- 1.3 I confirm that the opinions expressed are my true and professional opinions.
- 1.4 The main Education Proof of Evidence demonstrates the following: a) KCC has not provided an appropriate level of evidence to justify the inclusion of any Primary School related planning obligations within the Section 106 Agreement (whether land or infrastructure contributions), and b) there is demonstrably no Education-related reason to refuse this development application.

**2 Introduction**

- 2.1 This Appeal relates to an outline planning application (15/00856/AS) made by Pentland Homes Ltd and Malcolm Jarvis Homes Ltd (“the Appellants”) for a development of up to 550 dwellings in a mix of size, type and tenure on land at Pound Lane, Magpie Hall Road, Bond Lane and, Ashford Road, Kingsnorth, Kent.
- 2.2 KCC has requested the following in terms of development mitigation related to this Appeal scheme:

Obligations	Project Detail	Rate per Dwelling
<b>Education Land</b>	Financial contribution towards the delivery of the new 2FE Primary School at the Court Lodge site	£590.95 per flat
		£2363.93 per house
<b>Primary Schools</b>	Financial contribution towards the delivery of the new 2FE Primary School at the Court Lodge site	£1134 per flat
		£4535 per house
<b>Secondary Schools</b>	Financial contribution towards new school provision at the Chilmington Green Secondary school or alternative new provision in the planning group	£1172.00 per flat
		£4687.00 per house

*Table 1: KCC Education Planning Obligation Summary (April 2020)*

- 2.3 There has been some significant changes to demographics and school projections between 2020 and 2023, which has had a significant impact on the legitimacy of the planning obligation request from a Primary School perspective.

### **3 Statutory & Policy Matters**

- 3.1 The main Proof of Evidence discusses the national and local Policy in relation to Education development mitigation.

### **4 Primary School Provision**

- 4.1 There is currently surplus capacity at a school that will serve this development that has not been taken in to account in calculating the appropriate planning obligation from this development. This is contrary to the adopted Policy of KCC discussed in Section 3 of this Proof of Evidence which states that *[KCC] will provide evidence that the infrastructure is required (in whole or in part) to serve the proposed development, considering any existing local surplus capacity.*
- 4.2 The two Primary Planning Areas that contain schools which will directly serve this development site are forecast to have a combined 726 spare places by 2026/27, which is the child yield of 2,593 dwellings prior to the schools being full. This shows two things: 1) the DfE will not be allocating any funding to these areas to expand provision because there is no Business Case to do so, and 2) there is significantly more spare capacity than the entirety of this development's child yield at the point the development will accommodate school aged children.
- 4.3 This development is forecast to generate a maximum of 154 Primary School aged pupils. This is 21% of the number of spare places that will be located within the two Primary Planning Areas that contain schools that could serve this development. This means that the request for both Primary Infrastructure and Primary School Land fails the tests of CIL Regulation 122 (2), as it cannot be said that planning obligations are necessary to make the development acceptable in planning terms.

## **5 Secondary School Provision**

5.1 There are four state-funded, non-selective, non-fee-charging, independent schools accommodating Secondary School aged children that could directly serve this development. The Appellants are satisfied that the tests of CIL Regulation 122 (2) have been fulfilled, and have subsequently agreed to the planning obligation requested.

## **6 Summary and Conclusion**

6.1 I was instructed by the Appellants to prepare a written Proof of Evidence to assist the Inspector in determining whether any harm is likely to arise in Kingsnorth, from an Education perspective, if this development was to receive a positive determination. The outcomes of my research have been that there is forecast to be more than sufficient surplus capacity in Primary Schools that will serve this development when pupils are expected to be located on site. On that basis, Primary School Infrastructure and Primary School Land contributions are not necessary to make the development acceptable in planning terms.

6.2 Birth numbers are falling across the Ashford administrative area, which has resulted in fewer numbers of children working through the Early Years phase into the Primary School phase. There is forecast to be sufficient surplus capacity for the pupils of this development, even when factoring in other developments coming forward in the Ashford area. Accordingly, Primary School Infrastructure and Land Contributions should be struck from the Section 106 Agreement.

6.3 I will be happy to discuss this further during the Appeal proceedings.