

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

**S106B APPLICATION TO MODIFY/AMEND THE S106 AGREEMENT DATED 27 FEBRUARY 2017 (AS AMENDED) (PLANNING APPLICATION NUMBER 12/00400/AS)**

**PINS Ref: APP/E2205/Q/23/3334094  
APP/W2275/Q/23/3333923**

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**PROOF OF EVIDENCE OF**

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

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I, David Adams, of Kent County Council, Kroner House, Eurogate Business Park, Ashford, Kent, TN24 8XU say as follows:

**BACKGROUND**

- 1) I am the Assistant Director Education (South Kent) and have been employed by Kent County Council ("**KCC**") since December 1991.
- 2) I hold a Bachelor of Arts (Honours) degree in geography, and a post-graduate Diploma in Management Studies. I have been responsible for school place planning in different districts of Kent since 2001, with responsibility for Ashford District continuously since 2003, except for the period from April 2020 to August 2022 while I was seconded within KCC. Prior to my secondments I held the lead responsibility for KCC's pupil forecasts and production of the Commissioning Plan for Education Provision in Kent.
- 3) **The S106 Modification Table submitted by the Appellant on 23<sup>rd</sup> December 2024<sup>1</sup> [CD2/14] indicates that they have withdrawn modification and discharge requests 75-77 related to secondary school provision. Therefore, this Proof of Evidence covers primary school education only.**
- 4) My service has undertaken an **Education Assessment** of the need for primary school places generated by the building of 5,750 units at Chilmington Green, ("**the**

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<sup>1</sup> It is noted that the S106 Modification Table has been updated on the 2 February. However, the position in respect of requests 75-77 remains the same.

**Development**") and the estimated timing of that demand entering the system. This is included as Appendix A.

- 5) The purpose of my statement is to set out the justification for concluding, where appropriate, that the obligations in the existing S106 dated 27 February 2017 (as amended) ("**S106**") [CD1/14 - CD1/16] continue to serve a useful purpose and would not do so (or would not do so equally well) if modified in the way proposed. KCC has been willing to accept an amended manage and monitor approach<sup>2</sup> but that has not been taken up by the Appellant.
- 6) The facts and matters set out in my proof of evidence are within my own knowledge unless otherwise stated, and I believe them to be true. Where I refer to information supplied by others, the source of the information is identified; facts and matters derived from other sources are true to the best of my knowledge and belief.
- 7) I understand that the documents referred to in my proof will be included in the core documents, so I do not append them (with the exception of Appendices A, B, and C) and do not set out their contents in detail.

## **PROCESS TO DATE**

- 8) KCC, via Pinsent Masons, wrote to the Appellant, via Fladgate, on 26<sup>th</sup> November 2024 [CD11/4] asking for confirmation as to who their Education Consultant would be, but no response was received, and this detail was not provided. It became clear on the Case Management Call on 19<sup>th</sup> December 2024 that it was Mr Hunter of EFM.
- 9) I contacted Mr Hunter the same day, 19<sup>th</sup> December 2024, to arrange a series of dates to meet to establish common ground and areas of disagreement. We met on 3<sup>rd</sup> January 2025. Mr Hunter agreed to address a number of queries I raised. We were to meet again on 9<sup>th</sup> January 2025, but Mr Hunter cancelled, as the information I had requested was not available. I wrote<sup>2</sup> to Mr Hunter that day reconfirming the issues I believed we needed to resolve quickly. This and subsequent relevant emails are appended (Appendix B). Our meeting of 14<sup>th</sup> January 2025 was also cancelled by Mr Hunter as the information remained unavailable. I emailed Mr Hunter again on 20<sup>th</sup> January 2025 asking if any of the information was available. Mr Hunter kindly provided the answer to one of the questions (housing trajectory) on 22<sup>nd</sup> January 2025. We met the same day to discuss the methodology used in KCC's draft Education Assessment, the issues in my email of 9<sup>th</sup> January 2025, to establish the areas of agreement that could be captured in the Statement of Common Ground, and any remaining areas of disagreement. I believe we clarified and/or agreed on a number of points – the pupil yield rates that should be used, that a "peak to long term" need argument was not being pursued by

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<sup>2</sup> Email David Adams to Ben Hunter 9 January 2025 and subsequent chain of messages.

the Appellant, that the Appellant had not undertaken any modelling nor had a model to share, that KCC's methodology appeared (subject to further review by Mr Hunter) to be appropriate, that neither party could produce pupil forecasts at the Ashford South Planning area level beyond 2033-34, and that school capacity outside the Development should be included in the Education Assessment.

- 10) On one issue, the housing mix, KCC's position was that the planning permission was not being changed by the S106b Appeal and thus the housing mix it allows for should be the basis of KCC's Education Assessment. The Appellant's Education Statement [CD2/15] indicates a change in the housing mix. I set out the position of KCC and Mr Hunter was to get back to me if the housing mix condition on the Chilmington Green outline permission was (somehow) to be changed.
- 11) A copy of KCC's draft Education Assessment, based on the housing trajectory provided by Mr Hunter [CD9/14], was shared with him on 24<sup>th</sup> January 2025 to secure either agreement or comment on the methodology. A response was chased on 28<sup>th</sup>, 30<sup>th</sup> and 31<sup>st</sup> January 2025.
- 12) I shared a draft Statement of Common Ground with Mr Hunter on 28<sup>th</sup> January 2025.
- 13) On 31<sup>st</sup> January 2025 Mr Hunter provided further information on the proposed housing mixes for Phases 1 and 2 and an overall percentage split for the entire Development. However, no information has been provided to confirm whether or how the housing mix condition in the outline planning permission is to be amended.
- 14) Mr Hunter and I met on 31<sup>st</sup> January 2025 to discuss the draft Statement of Common Ground I had drafted and shared. On 2<sup>nd</sup> February 2025, I shared an "Alternative Education Assessment" with Mr Hunter, based on the housing mix he had provided.
- 15) Mr Hunter cancelled our meeting of 3<sup>rd</sup> February 2025, but returned an amended version of the Statement of Common Ground. This highlighted a second area of disagreement between us – Mr Hunter disputed that it should be assumed in the Education Assessment that the school rolls and capacities used in the period 2034-35 to 2048-49 should be as at the final year of KCC's forecasts, 2033-34. We met on 4<sup>th</sup> February 2025 to conclude discussion of the Statement of Common Ground.

#### **SCHOOL PLACE PLANNING AND PLACE FUNDING**

- 16) KCC is the Statutory Authority responsible for education. It has a duty under S14 of the Education Act 1996 to secure sufficient primary and secondary school places for all pupils within its area, and to secure diversity in the provision of schools.
- 17) To discharge this duty in the short and medium term KCC:

- divides the County into Pupil Planning Areas which are based on travel to learn patterns (in accordance with guidance from the Department for Education [CD9/3]<sup>3</sup> (DfE));
  - annually produces 10-year pupil forecasts at pupil planning area level and maintains capacity data for state funded schools in its area, both in line with DfE guidance [CD9/4]<sup>4</sup>;
  - incorporates new housing completions and planned delivery levels into these forecasts using district councils' Housing Information Audits (also in line with DfE guidance [CD9/4]<sup>4</sup>);
  - approves a rolling five-year plan, currently "Commissioning Plan for Education Provision in Kent 2024 – 2028" (KCP) [CD9/1]<sup>5</sup>. This sets out its school place planning policy and short to medium term need for additional school places by Planning Area; and
  - where additional places are required, KCC "commissions" the expansion of existing schools or the opening of new schools as appropriate.
- 18) Longer term planning is undertaken in conjunction with district council planning departments:
- throughout the stages of development of local plans, KCC's Education Service advises district councils of the likely demand generated by proposals, and what new school capacity would be needed to meet that demand, including new schools;
  - we seek to ensure that local plans have clear policy statements about education, both at high level and at individual site level for large and strategic sites. For example - Para 10.18 of Ashford's Local Plan 2030 [CD4/1] sets out that it has been the Borough Council's longstanding approach to require developer contributions on behalf of KCC where new schools are needed; while Policy CG15 of the Chilmington Green Area Action Plan (Adopted July 2013) [CD4/6] sets out the education provision needed for this Development; and
  - we seek to ensure land is safeguarded for the new schools required. This will generally be in large and strategic sites.
- 19) The cost of providing additional school places is predominantly met from monies secured via developer contributions, Government Basic Need Grant, and prudential borrowing. Public funding should not negate housing developers' responsibility to

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<sup>3</sup> [Local Authority Pupil Planning Areas](#)

<sup>4</sup> [School capacity survey \(SCAP\) guidance](#)

<sup>5</sup> [Commissioning Plan for Education Provision in Kent 2024-2028](#)

mitigate the impact of their development in education and should not be seen as an alternative to meeting needs through a S106 agreement.

- 20) The DfE publishes guidance on “Securing Developer Contributions for Education”<sup>6</sup> (August 2023) [CD9/6]. Paragraph 7 of this states:

*“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.”*

- 21) Paragraph 11 of the DfE’s “Securing Developer Contributions for Education” [CD9/6]<sup>6</sup> guidance states: *“The DfE’s basic need grant, 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 central free schools programme is delivering a new school for development, we expect the developer to make an appropriate contribution to the cost of the project, allowing DfE to secure the school site from the local authority on a peppercorn (zero or nominal rent) basis and make use of developer contributions towards construction.”*

- 22) To support local authorities in making assessments based on up-to-date pupil yield data, the DfE published “Estimating pupil yield from housing development” [CD9/2]<sup>7</sup> (August 2023) and produced a Pupil Yield Dashboard [CD9/3]<sup>8</sup> (August 2023). The published guidance helps local authorities develop long term evidence of pupil yield from housing development and apply that evidence in a consistent way, to make the planning process simpler, faster, and more transparent. It sets out the DfE’s recommended approach to calculating pupil yield from housing development for the purposes of securing developer contributions towards education. The Pupil Yield Dashboard provides pupil yield factors determined at local authority (county and district) level, by education phase (i.e. primary and secondary), need (i.e. mainstream and special) and housing characteristic (e.g. houses and flats). It provides average yields

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<sup>6</sup> [Securing developer contributions for education](#)

<sup>7</sup> [Estimating pupil yield from housing development](#)

<sup>8</sup> [Pupil yield from housing developments, Reporting year 2022 - Explore education statistics - GOV.UK](#)

over the whole data set (2008/9 to 2021/2), annual yields and yields each year since post completion.

- 23) KCC has an adopted Planning Obligations Policy - "KCC's Developer Contributions Guide" (dated July 2023) [CD4/3]<sup>9</sup> - which covers education contributions. It covers garden communities and large scale, strategic developments (section 2.3), contribution requirements (section 3), land, buildings, and contributions in-kind (section 4) and section 106 contributions at (section 5). Detail on education matters is set out in Technical Appendices 4-11 [CD4/3/4 - CD4/3/11]. Pupil place planning areas are used by KCC when assessing developer contributions (KCC's Developer Contributions Guide – Technical Appendix 6, section 2 [CD4/3/6]).
- 24) Paragraph 13 of the DfE's "Securing Developer Contributions for Education" [CD9/6] guidance explains that while Basic Need Funding (BNF) can be used for new school places that are required due to new housing development, *"we would expect this to be the minimum amount necessary to maintain development viability, having considered all infrastructure requirements"*.
- 25) The DfE allocate BNF according to need within a pupil place planning area. Annually, local authorities complete the DfE's School Capacity (SCAP) Survey. This is a statutory collection of school capacity, pupil forecasts and planned places data. This is used by the DfE to calculate local authorities BNF allocations. The data is published.
- 26) The DfE's SCAP guidance [CD9/4]<sup>10</sup> (2024) provides advice about how local authorities should account for expected pupil yield from housing development. At page 27 it states: *"Your pupil forecasts should only include expected pupil yields from housing developments that have a high probability of being delivered within the timeframe of the forecasts. In most cases such developments will have full planning permission"*. This means only the pupil yield from the 763 units in the Development with reserved matters approval are contained within the forecasts in Kent's Commissioning Plan for Education and SCAP return.
- 27) The Appellant's attempt to rely on BNF is misplaced. The DfE's 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 SCAP data submitted in May 2022.

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<sup>9</sup> [Developer Contributions Guide - Kent County Council](#)

<sup>10</sup> [School capacity survey \(SCAP\) guidance](#)

- By school place planning area, SCAP compares school capacity and forecast pupil numbers (uplifted by 2%). The gap between existing capacity and forecast numbers 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.
- 28) 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. BN funding is not, therefore, available to KCC to forward fund the build.
  - 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. Put simply, the places would exist to meet that future need, there would be no BN.
- 29) Kent’s 2025-26 BN allocation was funded at a primary school place rate of £19,648.88. This is a contribution to the cost of building a new primary school place (KCC’s Developer Contribution new build primary rate is £25,290 indexed to Q1 2022).
- 30) Further, BN funds a precise number of places. If the need is for 23 places in a planning area, 23 are funded. Classrooms are built to accommodate 30 pupils. This leads to a further funding gap when scaled across the whole of Kent.

## RELEVANT POLICY AND SECTIONS OF GUIDANCE

- 31) KCC’s Commissioning Plan for Education Provision [CD9/1] and Developer Contributions Guide [CD4/3] should be treated as a material planning consideration when determining applications or as part of any planning appeals. Both set out KCC’s policy approach to meeting the future needs of the County’s residents, and in the case of new housing developments, how the demand for education services is assessed and any necessary mitigation calculated.
- 32) KCC’s duty under s14 (3A) of the Education Act 1996 is supported by Paragraph 100 of the NPPF (December 2024) [CD5/1]<sup>11</sup> which states: *“It is important that a sufficient choice of early years, school and post-16 places are 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: a) give great weight to the need to*

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<sup>11</sup> [National Planning Policy Framework](#)

*create, expand or alter early years, schools, and post-16 facilities through the preparation of plans and decisions on applications; and b)....”*

- 33) Ashford Borough Council's Local Plan 2030 [CD4/1]<sup>12</sup> Paragraphs 10.17 to 10.20 cover the education sector. This recognises the requirement for new school provision, and for S106 contributions to fund these when CIL compliant. Policy COM1 states *“Infrastructure and facilities required to meet the need generated by new development, including ...education...shall be provided as the community is established. Infrastructure or facilities designed to meet localised need should normally be provided on site.”* Where appropriate, specific site policies set out required education provision, such as S3 – Court Lodge, which incorporates “a new 2FE primary school”.
- 34) The requirement for Education Provision at Chilmington Green is set out in Policy CG15 of the Chilmington Green Area Action Plan (Adopted July 2013) [CD4/6].
- 35) The DfE's guidance documents referenced above are all relevant.

#### **CURRENT S106 OBLIGATIONS**

- 36) Schedule 15 of the S106 [CD1/14 – CD1-16] provides for:

##### **Land to be transferred:**

4No. sites of 2.05 Ha each to provide land for 2 Form Entry ((FE) – 420 pupil places)) Primary Schools plus 26 place early years provisions.

##### **Primary School financial contributions:**

- i) £6m plus indexation per 2FE Primary School (3No.) to be paid in stages (phased payments) most of which are after KCC has entered the contracts to deliver the schools.
- ii) £4.5m plus indexation per 1FE Primary School (1No.) (with potential for further expansion to 2FE if necessary).

##### **Bonds:**

- i) For Primary School 1 (PS1), Primary School 2 (PS2), Primary School 3 (PS3) bonds for Payments 2, 3 and 4 which fall due after the contract for the schools is entered into and KCC committed to the payments.
- ii) For Primary School 4 (PS4) bonds for Payments 2 and 3.

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<sup>12</sup> [adopted-ashford-local-plan-2030.pdf](#)



## SUPPORT FOR HODSON TO ASSIST DELIVERY

- 37) KCC's Education Service has sought to support delivery of the Development. It worked with school promoters and the Appellant to lobby the DfE to support the delivery of the secondary school through the DfE's Wave programme. Successfully having done so, means:
- the DfE has forward funded the school's c£40m build costs,
  - under the original S106, Hodson would have paid all four Secondary School Stage One Contributions (totalling £13.55m) to KCC between 1<sup>st</sup> January 2020 and 1<sup>st</sup> April 2024. Following a Deed of Variation [CD1/16] there are now six instalments (rather than four) for these contributions, with annual payments commencing 1 March 2026 (eighth years after commencement of development), completing 1<sup>st</sup> March 2031. This is 13 years after commencement of development by which time c2500 dwellings are expected to be occupied, and
  - the need for bonds for these payments has been removed.
- 38) The Inspector is requested to note that an error in the drafting of the Deed of Variation resulted in the unintended removal of the Appellant's obligations to pay Secondary School Stage Two Contributions (1 to 4) amounting to £8.95m plus indexation. KCC filed a claim with the Court in December 2024 seeking rectification. KCC's position is that the full sum of these obligations should continue to be included in the S106.
- 39) The Appellant was obligated under the S106 agreement to provide to KCC by 1<sup>st</sup> September 2020 a secondary school site that met the General Site Transfer Requirements, which includes having utility service connections to the site boundary prior to transfer. Further the Appellant is required to provide the access road/routes required prior to the first occupation of the school. The Appellant failed to provide the school site in accordance with these requirements, citing cashflow problems. KCC looked at providing temporary utility and access solutions. These were costed at c£3.1m. KCC proposed funding these, with recovery of these costs from the Appellant at a date to be determined. The Appellant argued that they could provide the permanent solutions for this cost.
- 40) To support the Appellant, in addition to securing the DfE's agreement as set out above, on 13<sup>th</sup> July 2022 KCC entered a loan agreement with the Appellant to the value of £3.1m. Under this agreement the Appellant was to deliver this infrastructure by 30<sup>th</sup> November 2023.
- 41) The Appellant failed to comply with most aspects of the loan agreement, including the provision of information and milestones. Of relevance, the contractual arrangements the Appellant entered into were not compatible with the loan agreement. Unfortunately,

the Appellant ceased delivery of these works in October 2023 leaving them incomplete. KCC provided the Appellant with two solutions to their self-created contractual issues. In March 2024 these were resolved. Despite drawing down £2.6m of the loan funding, the Appellant has not resumed works. Regrettably KCC had to terminate the agreement (6<sup>th</sup> September 2024) to invoke its step in rights and enable it to complete the works to enable the new school building to be occupied in September 2025.

- 42) We remain committed to supporting housing delivery within the Development. Accordingly, within the Education Assessment we have demonstrated where there is scope to adjust the triggers related to primary schools 2 and 3. However, these must be within the context of a properly constructed monitor and manage process (covered in paragraphs 94-97 below).

## EDUCATION ASSESSMENT

### Assessment Methodology

#### Housing Trajectory

- 43) We have used the housing trajectory set out in para 10.4 of the Appellant's Quod Chilmington Green Application 2 Explanatory Statement October 2022 (revised October 2024) ("**Appellant's Explanatory Statement**") [CD2/13], as advised by Mr Hunter. This is set out in Step 1 of our assessment. In this step we have accounted for the units already delivered and those with existing approval of reserved matters (up to 763) already included in our forecasts (see para. 26 above).

#### Housing Mix

- 44) The Appellant's Explanatory Statement provides no information as to the proposed Housing Mix.
- 45) KCC's Education Service was provided with a housing mix ("**the Melton Mix**") [CD9/7] for its assessment in September 2011 by the Appellant's then Education Consultant, Mike Melton. This was:

*Applicable flats 6.96%<sup>13</sup>*

*Houses 92.17%*

- 46) Condition 100 of the Outline Planning Permission [CD6/3] provides as follows:

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<sup>13</sup> Applicable Flat was defined as 2 or more bedrooms.

*100. The development shall achieve a balanced mix of dwelling sizes across the site. The overall dwelling mix across the whole development will aim to achieve the following mix of dwellings:*

*one bed flats no less than 1.4%  
2 bed flats no less than 5.9%  
2 bed houses no more than 18.8%  
3 bed houses no more than 35.3%  
4 bed houses no more than 27.9%  
5 bed houses no more than 10.8%*

- 47) Consistent with this condition there could be just 7.3% flats. However, the Appellant's Education Statement (Para 4.18) [CD2/15] asserts the current anticipated ratio is one third flats, two-thirds houses.
- 48) As the planning permission remains unaltered by the application to amend the related S106 agreement, we have continued to assess against the planning permission and used the Melton Mix. Mr Hunter has not explained what, if anything, ties the housing mix to his two thirds/one third assumption.
- 49) Step 2 incorporates the housing mix in the Education Assessment.
- 50) KCC has produced an "Alternative Education Assessment" using the housing mix provided by Mr Hunter on 31 January 2025 to support the Inspector (Appendix C). KCC does not support this alternative assessment for the reasons set out above. This mix assumes c26% flats (rather than the third asserted in the Appellant's Education Statement). It remains wrong in principle to assess the impact of the Development against anything other than Condition 100 of the overarching outline planning permission, unless there is a S73 application to amend this.

#### Pupil Yield Rate

- 51) The DfE's guidance "Securing Developer Contributions for Education" (Para 7) [CD6/6] explains the Education Assessment should be based on an up-to-date pupil yield factor (PYR).
- 52) KCC's standard PYR, as contained in its Developer Contributions Guide [CD4/3], was established in 2005 by an external research company MORI. For primary education, the PYRs are 0.07 per applicable flat and 0.28 per house.
- 53) KCC's Developer Contributions Guide (para 3.3.4) allows for bespoke assessments and site-specific pupil yields to be worked up for large-scale, strategic developments and

garden communities<sup>14</sup>, of which the Development is both. Evidence available to KCC (and to Mr Hunter of EFM during the Pound Lane Planning Appeal [CD7/3] in Ashford 2023 referenced in 4.4 of his Education Statement [CD2/15]) shows that large new housing estates in Ashford have much higher yields than KCC's adopted PYR. KCC's analysis of primary school demand showed a pupil yield of 0.34 in the Repton Park development in 2017 [CD9/10], in 2020 it found new houses in Ashford (between 2014-19) had a PPR of 0.33 [CD9/11]; the DfE's Pupil Yield Dashboard (September 2023) [CD9/3]<sup>15</sup> shows a PYR of 0.363 from new housing in the Borough (2020-21) and 0.377 county wide. The nearby developments of Park Farm had a PYR of 0.35 (houses) [CD9/12], while Finberry had 0.358 (all dwellings) [CD9/13].

- 54) Further analysis of the demand generated by the first occupations in the Development at Chilmington Green demonstrates that the pupil yield was higher than originally expected. The December 2023 Council Tax records show 320 units in the Development as occupied [CD9/9]. The corresponding October 2023 school census [CD9/8] shows 113 pupils on the rolls of state funded primary schools giving a primary PYR of 0.353 pupils per dwelling (all dwelling types). This is significantly higher than the PYR used to assess the original application (average 0.263). It is consistent with the range of evidence set out above.
- 55) At this higher PYR and using the Melton Mix, **9.85 Forms of Entry** (FE) of primary school provision would be needed to serve the Development, rather than the 7FE provided for by the S106.
- 56) Considering the PYR evidence resulting from large-scale developments and this Development to date, it is considered appropriate to adopt the DfE's 2021/22 published PYRs for the initial pupil generation from new homes in the Development. The DfE data set is larger than that used in KCC's research mentioned above, covering the district rather than individual sites. It is also the most current and is independent. The DfE's PYRs for Ashford are:

	Flats	Houses
Primary PYR	0.127	0.363

- 57) The pupil yield calculation is included in Step 2 of our assessment.

#### Peak Demand

<sup>14</sup> Paragraph 3.3.4 of Kent Developer Contributions Guide 2023

<sup>15</sup> [Pupil yield from housing developments, Reporting year 2022 - Explore education statistics - GOV.UK](#)

- 58) Paragraph 11.22 of the Appellant's Explanatory Statement [CD2/13] refers to peak and long-term average pupil demand, meaning "new homes" generate a peak in demand for school places which passes through the system and reduces over time to "stock rate". No further explanation is provided in the Appellant's Explanatory Statement.
- 59) This issue is not addressed by Mr Hunter in the Education Statement. It was an argument that was not accepted in the Possingham Farm Appeal<sup>16</sup>. It is therefore assumed the Appellant is no longer relying on this argument within its case. If it is pursued it is wrong and in fact would support a higher PY.
- 60) The monitor and manage approach would in any event allow future changes in yield or any discernible distinction between new build and stock rate to be reflected in the provision of education facilities here over the very long period when development is to come forward.
- 61) The DfE's Pupil Yield Dashboard [CD9/3] contains data related to housing sites that have been completed and the PYR for these. The data has been summarised in the following table:

**Kent post-completions data from DfE Dashboard (2023)**

**Mainstream primary**

Years after completion	No. of datasets	Total units	Total pupils	Pupil yield per dwelling
0-1 years	12	21,823	6,540	0.300
1-2 years	11	15,014	4,974	0.331
2-3 years	10	12,648	4,638	0.367
3-4 years	9	9,637	3,682	0.382
4-5 years	8	7,365	2,925	0.397
5-6 years	7	5,686	2,295	0.404
6-7 years	6	3,341	1,416	0.424
7-8 years	5	2,377	1,020	0.429
8-9 years	4	1,448	606	0.419
9-10 years	3	659	275	0.417

Number of units for 10 years and 11 years not high enough for analysis

<sup>16</sup> Possingham Farm Appeal APP/E2205/W/3345454

62) The data indicates that pupil yield from all dwellings (flats and houses) continued to rise after developments are completed, reaching to 0.429 pupils per dwelling 7-8 years after completion. This is far more than KCC's standard PYR of 0.28 per house and 0.07 per flat and the PYR which I have used here.

63) As the Appellant seems to have abandoned this argument, our assessment does not consider this issue.

Forecast capacity and demand for primary school places within Ashford South planning area

64) Step 3 of our assessment overlays the short and medium-term capacity and forecast demand for school places in Ashford South. The data is that submitted to the DfE in July 2024. The forecasts contain the assumed pupil yield from the 763 dwellings with approval of reserved matters in Chilmington Green. An adjustment to account for this and ensure no double counting is included in Step 1 of the assessment (lines 12 and 13).

65) The demand side includes pupil yield from the Appellant's other consented development (Possingham Farm) as this demand is not included in the forecasts and no mitigation is being provided. The site was consented on appeal and primary education contributions were not sought by KCC. This was because sufficient surplus capacity was forecast to be available in primary schools in Ashford South to meet the needs of Possingham Farm, even after the capacity provided at Chilmington Green PS1 and paid for by the Development had been "reserved" for its future demand. The Appellant's Education Statement (Para 4.22) [CD2/15] recognises the need for the demand from Possingham Farm to be deducted from any surplus capacity in the Ashford South planning area.

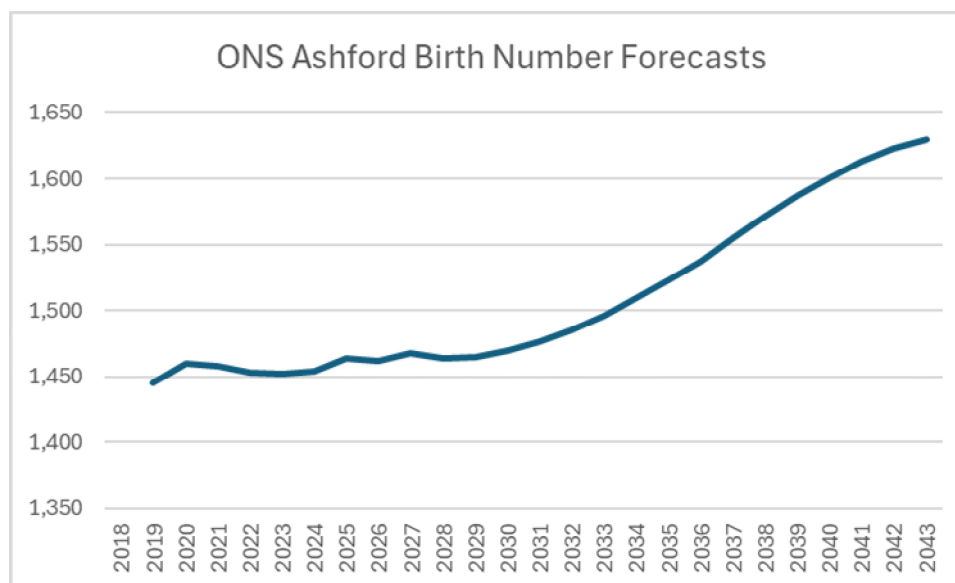
66) The forecasts run for ten years to 2033-34. It is accepted that locally and nationally demand for primary school places has reduced as birth rates and numbers have decreased. This is resulting in some surplus capacity in schools within the Ashford South Planning Area in the short to medium term. This is taken account of in the Education Assessment. It is not possible to predict in the long term how future birth rates or numbers might impact the Development or the wider Ashford South Planning Area, because data is not available at such a local level.

67) However, the Office for National Statistics (ONS) produce Sub-national Population Projections [CD9/15]. Produced in 2018, these cover the period to 2043. ONS Subnational population projections for England *"indicate potential future population size of English local and health authorities. These are widely used in planning - for example labour market, housing, health and education"*<sup>17</sup>. The graph below is a ONS's birth

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<sup>17</sup> [Subnational population projections for England: 2018-based - Office for National Statistics](#)

number forecast for Ashford Borough. It suggests birth numbers will rise steadily in the medium to long term, throughout the 2030s and into the 2040s.



**Source: Table 5 - 2018-based Subnational Population Projections with Components of Change (Births, Deaths, and Migration) for Local Authorities and Higher Administrative Areas in England<sup>18</sup>**

- 68) As the ONS data is district level data, it is not possible to break it down to planning area level and thus extend our forecasts for the planning area beyond their 10-year period. What can be stated is this evidence indicates that the softening of demand for primary school places will reverse during the construction period of the Development as the birth numbers are predicted by ONS to increase over time.
- 69) In Step 3, I have assumed that school roll numbers and capacities remain as at 2033-34 until the end of the assessment period 2048-49.
- 70) Mr Hunter has disputed that this assumption is appropriate, citing this represents a fundamental change in the trend forecast over the previous ten year period. Mr Hunter has not proposed an alternative methodology. It is agreed in the Statement of Common Ground that the ONS data (above) forecasts a rise in birth numbers in Ashford Borough during the 2030's and 2040s. This will be a fundamental change to the trend forecast as the chart above clearly demonstrates. Applying a historic trend based approach is clearly wrong and ignores the best evidence available to us.

#### Triggers and Timings

<sup>18</sup> CD9/15 - Office for National Statistics table 517032020155807

- 71) Step 4 of the Education Assessment maps out the timings of new schools within the Development and the associated obligation triggers. It does so in three scenarios:
- The appropriate timing of planning for, commissioning and opening of new provision having regard to forecast need as identified by the Education Assessment (KCC's proposed modification);
  - The current S106 obligations and triggers; and
  - The Appellant's proposed modifications.
- 72) The cells shaded:
- blue indicate when decisions need to be made (i.e. agree site location of the proposed school, assess need (under a monitor and manage approach) and KCC decide whether to proceed or defer).
  - salmon indicate site transfer dates.
  - green indicate the dates the school needs to open.

#### **WHAT THE EDUCATION ASSESSMENT DEMONSTRATES**

- 73) The Education Assessment demonstrates that:
- by the end of 2022-23, 6% of the Development had been built out (Step 1 – first line – “actual completions and estimated phasing”);
  - when the DfE's PYR is applied to the Melton Mix, the 4,586 applicable dwellings that are not included in KCC's pupil forecasts would be expected to produce a further 8.1FE of primary school demand (1,709 total primary places). This is in addition to the places occupied by pupils already living in the development and those needed for pupils contained within KCC's forecasts (Step 2 – final line - “cumulative expected pupil yield from all dwellings”);
  - surplus capacity in primary schools in the Ashford South Planning Area (which includes Chilmington Green Primary School 1) will be filled by 2030-31 (Step 3 – final line - “surplus places available to housing developments”);
  - by 2030-31 the Development is expected to have produced a further 352 primary school pupils from homes not included in the 763 that currently have reserved matters approval. As of October 2023, that was 113 pupils from 320 of these 763 units. The  $352 + 113 = 465$  pupils compared to the 420 places provided by the school. It is very clear, no capacity at Chilmington Green PS1 is benefitting other developments.
  - by 2048 a deficit of 1,182 places (5.6FE) would be expected to have amassed (Step 3 – final line - “surplus places available to housing developments”). This is



not mitigated by a further two 2FE primary schools, which will only provide 840 places. The obligation to provide a fourth primary school site and the contributions towards 1FE of a 2FE school consequently remains a useful purpose;

- there is scope to delay the timing of Primary School 2 (Step 4), and limited scope to delay the timing of Primary School 3;
- the Appellant's proposed Modifications relating to the triggers for Primary School 3 are too late (Step 4). The existing S106 obligations are better matched to the timely delivery of this school;
- the Primary Schools 2 and 3 payment triggers as modified are poorly connected to timing of delivery of the new schools;
- there is currently projected to be a need for PS4; and
- through a properly constructed Monitor and Manage process KCC and the Appellant could work together to ensure the provision required is in place at the right time. This is in both parties' interests.

#### **THE PLACEMAKING FUNCTION OF PRIMARY SCHOOLS 2, 3 AND 4.**

74) The purpose of the primary schools is not solely to provide school places. The Chilmington Green Area Action Plan [CD4/6] makes a number of references to the placemaking function of primary schools:

- (Pg21) Policy CG1 (Development Principles) (b) *"Each main phase of the development will be sustainable in its own right, through the provision of the required social and physical infrastructure, both on-site and off-site (see policy CG 2, CG3 and CG4, CG10 and CG11-CG22)."* Four phases of development are planned.
- (Pg 35) 5.20 *"The district centre will also contain other uses that will help meet the everyday needs of the residents as the development evolves. The facilities needed have been identified ...as well as a primary school - a key anchor at the heart of a community and important "footfall" generator.*
- (Pg40) 5.36 (Role of character area) – *"As complementary elements to the main district centre at Chilmington Green, it is proposed that two smaller local centres be delivered as part of the overall development..... The local centres will play the role of delivering basic services which meet the many everyday needs of the residents. A variety of ... uses should be provided alongside the local community and leisure uses and a primary school close by to generate activity at different times of day....(5.37) their location also provides the opportunity to create a focus for the community around the primary school and give a particular identity to that part of the development."* (My emphasis).

- 75) These expectations are captured in Policy CG4 – Local Centres – *“Each local centre will provide a range of retail, employment, community and education uses to help meet the local everyday needs of the community as it evolves.”* Primary School 4 is located in one of the Local Centres. It continues to serve a useful purpose in placemaking, as well as its principal purpose of meeting education needs.

## **RESPONSES TO INCORRECT ASSERTIONS MADE IN THE APPELLANT’S EXPLANATORY STATEMENT [CD/2/13]**

### The timing and use of PS1.

- 76) The housing trajectory for the Development at the time of signing the S106 was for a high level of occupations each year (c275) from the offset. The generated pupil demand from the Development would fill a 2FE primary school circa every 5.5 years (c77 pupils annually at Kent’s standard PYR of 0.28). It takes at least three years to undertake the statutory process to open a new school, to design it, gain planning consent and to build and occupy it. The S106 reflected the requirement for the first primary school to be delivered early in the Development, with the transfer of the first primary school site being within 18 months of Commencement of Development.
- 77) The first Chilmington Green primary school opened off-site with four classes in September 2018, at KCC’s expense. This was done to meet KCC’s statutory duty and ensure places would be available for the new residents of Chilmington Green. The table below shows that 74 places were surplus across all year groups across the planning area, 30 of which were in Year R; this was sufficient to meet the need from just one year’s worth of projected housing delivery within the Development; and new residents in the Development would have struggled to find school places in the area for children in four of seven year groups.

October 2018 School census

Ashford South Planning Group	Capacity	PAN	Year R	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total
<b>Total</b>	<b>2400</b>	<b>330</b>	<b>300</b>	<b>347</b>	<b>323</b>	<b>313</b>	<b>326</b>	<b>358</b>	<b>359</b>	<b>2326</b>
Surplus			30	13	7	17	4	2	1	<b>74</b>
Places required to provide a 2% surplus			7	7	7	7	7	7	7	<b>49</b>
Places available for Chilmington Green			23	6	0	10	-3	-5	-6	<b>25</b>
% of surplus places			7%	2%	0%	3%	-1%	-1%	-2%	1%

- 78) The suggestion that the school was brought forward early to meet basic need pressures separate from Chilmington Green is incorrect as the table above demonstrates, as are assertions it is meeting the needs of other developments. It was brought forward

because it was necessary to meet the forecast needs of the Development based on the information provided by the Appellant.

- 79) The provision of a bond provided the County Council the surety of funding to enable it to agree to forward fund the school build costs. It has proved necessary to call in the Bond for Primary School 1 Contribution 4 due to the Appellant's non-payment of this obligation.
- 80) It is evident that the Development will produce sufficient demand to fill Primary School One. The proposed modification to not fully fund this infrastructure through the discharge of Payment Four and repayment of the funds secured through the calling in of the Bond are not appropriate. Paragraph 36 of KCC's Statement of Case [CD3/2] explains why the obligation to make Payment Four and the outstanding indexation on payments two and three continue to have a useful purpose. KCC has incurred the cost – the obligation is to ensure KCC can recoup the cost incurred. I understand legal submissions will be made as to the ability to discharge obligations after the expenditure has been incurred by KCC and in any event I can see no basis on the facts for discharging the obligation in terms of education need.

#### Forward Funding

- 81) KCC has already assumed a level of forward funding by it to support the delivery of education infrastructure at Chilmington Green, as evidence by the staged payments for all the planned schools. For example, the gap between Primary School Two Contributions 1 and 4 is six years, with Contributions 3 and 4 expected post completion of the school build. The Appellant's proposed modification extends this gap to potentially nine years with all four payments after the school is expected to be built. Combined with the proposed adjustments to indexation and removal of bonds KCC will incur costs at its risk and will only be paid back many years later at historic values.
- 82) The current obligations continue to serve useful purposes:
- the triggers and timings for the financial contributions ensure forward funding is repaid in a timely manner, enabling KCC's resources to be used to support housing developments across the County, rather than being tied up with one development for a disproportionate period of time;
  - bonds provide surety to KCC that any costs it incurs will be recovered, and cost burden will not transfer from developer to itself and the taxpayer. Forward funding enables timely delivery of the school places needed, supports the creation of a sustainable community, and assists the developer's cashflow; and

- indexation provides that the original financial sums agreed as necessary, directly related and proportionate to the scale of the development keep pace with the costs incurred of delivering the associated infrastructure.
- 83) The proposed modifications to the timings of payment of contributions and to change the base point of indexation do not serve the purpose equally well and the discharge of bonds will not serve the purpose at all. Further information is provided in the table at paragraph 93 below.

## **IMPACT OF THE PROPOSED MODIFICATIONS**

- 84) The emphasis within the system is that developers are expected to mitigate the impact of their development. The proposals to be relieved of making the full contributions required by the S106, and delay payments has impacts for KCC and residents in Kent.
- 85) If, due to viability, the education needs cannot be fully funded, the funding contribution made should be the maximum amount available, to minimise the BNF required. The BNF would not fill the gap for reasons given above either as to cashflow or as to total sums. BN funding is a contribution towards the build costs on a phased basis but the total cost falls to the local authority as the new school is built.
- 86) The transfer of liability to KCC will have other implications. If KCC borrows to finance the school build, interest on borrowing costs reduces the revenue funds available to support its statutory services, such as adult social care and child protection, which not only impacts residents, but poses risks to KCC through the Ofsted and Care Quality Commission inspection regimes.
- 87) Alternatively, if KCC delays building the school and displaces pupils to available spaces elsewhere, it impacts families, does not support sustainable development, and has a revenue impact if the child then becomes eligible for free transport (i.e. the school is beyond statutory walking distance).
- 88) Displacing pupils also has the effect of reducing future BN funding, because the forecast unmet demand in the planning area has been catered for, the places are no longer needed. It becomes a vicious cycle.
- 89) A further alternative is to divert capital from KCC's budgets for either maintaining school buildings and improving access to these. The former would threaten KCC's ability to maintain a "safe, warm and dry" school estate. This is not gold plated, this is a necessity – safe for staff and pupils, with functioning heating and without water dripping through classroom ceilings. The latter would result in KCC failing in its duties under the Equality Act 2010 to improve access to its maintained schools for pupils with a disability.
- 90) Forward funding from the DfE, for example via a Wave programme, cannot be assumed. The last Wave operated in 2022.

## GENERAL SITE TRANSFER REQUIREMENTS

- 91) The modifications sought in respect of Schedule 15A of the s106 (site transfer requirements) [CD2/21] seek to water down the undertakings of the Appellants to provide sites suitable for their end use. The primary and secondary school contribution rates are predicated on sites being provided that accord with the site requirements. They include being fenced, reasonably level, free from contamination, with services provided to the boundary. If the sites are not delivered in accordance with these requirements, then the costs of delivering the schools will rise accordingly. The suggestion that services should be provided at an unspecified date after transfer is unacceptable, as evidenced above. The requirements all continue to serve a useful purpose, and the modifications would not serve the purpose equally well.
- 92) The Appellant's Education Statement does not cover these proposed modifications.

## CONCLUSION

- 93) The following table summarises the modification proposed by the Appellant, the original purpose, whether the obligation was negative or positive in requirement, whether the obligation continues to serve a useful purpose, and whether the modification serves that purpose equally well.

Modification number and summary of intention of modification	Original purpose	N= negative obligation (i.e. not to do X until Y)  P= positive obligation (i.e. do X)	1. Does the obligation continue to serve a useful purpose?  2. Would the modification serve the purpose equally well?
67. Discharge PS1 bond	To provide surety for forward funding	P. to provide on or before 29 March 2019.	Bond has been provided and called in. It has served its original purpose. The costs to which it relates have been incurred.
68. Discharge PS1 Contribution 4	To repay KCC for forward funding the school places required to meet need generated by the Development, enable KCC to meet its statutory sufficiency duty, to create a sustainable development, and to support placemaking.	P. = Pay PS1 Contribution 4 no later than 78 months after commencement of development.	1. Yes. The school has been built and the forward funding requires repayment. The evidence shows the school is required. The costs have in fact been incurred.  2. No. It will transfer the cost from Developer to taxpayer.

68. Discharge indexation on PS1 contributions	To ensure the original obligation continued to fulfil its intended function.	P. = Pay indexation amount no later than 78 months after commencement of development	<p>1. Yes. The school was built with the associated inflationary cost increases and borrowing costs reflected in the indexation.</p> <p>2. No. It will transfer the cost from Developer to taxpayer.</p>
68. Repayment of PS1 Contribution 4 and indexation on PS1 Contribution 1.	As above.		<p>1. Yes. The school was built. The costs have been incurred, with the associated inflationary cost increases and borrowing costs reflected in the indexation.</p> <p>2. No. It will transfer the cost from Developer to taxpayer.</p>
69. Modify (delay) the timing of PS2, and related payment triggers. To introduce a Monitor and Manage mechanism.	To ensure timely provision of primary school places, to repay KCC for forward funding the school places required to meet need generated by the Development, enable KCC to meet its statutory sufficiency duty, to create a sustainable development, and to support placemaking.	<p>N. = to not occupy more than:</p> <p>899 until Contribution 1 paid</p> <p>1049 until site location agreed.</p> <p>1100 until site transfer</p> <p>P. = pay contributions 2 (33 months), 3 (63 months), and 4 (72 months) after Contribution 1.</p>	<p>1. Yes. The Education Assessment shows PS2 is required. The funding for this is needed in a timely manner.</p> <p>However, there is scope to defer triggers. A suitable Monitor and Manage mechanism is supported.</p> <p>2. No. The modifications as proposed are not satisfactory either to secure timely delivery or repayment of costs incurred.</p>
70. Discharge bonds for PS2 Contributions 2, 3, and 4.	To provide surety for forward funding.	P. to provide on the earlier of 30 months of the 900 <sup>th</sup> occupation, or on the 1099 <sup>th</sup> occupation.	<p>1. Yes. The costs will have been incurred. Surety for public funds expended forward funding obligations placed on developers continues to be essential.</p> <p>2. No. Without surety KCC may be unable to forward fund PS2. It undermines the timely</p>

			delivery of necessary infrastructure.
71. Modify (delay) the timing of PS3, and related payment triggers. To introduce a Monitor and Manage mechanism.	To ensure timely provision of primary school places, to repay KCC for forward funding the school places required to meet need generated by the Development, enable KCC to meet its statutory sufficiency duty, to create a sustainable development, and to support placemaking.	<p>N. = to not occupy more than:</p> <p>2879 until Contribution 1 paid</p> <p>2999 until site location agreed.</p> <p>3150 until site transfer</p> <p>P. = pay contributions 2 (28 months), 3 (61 months), and 4 (72 months) after Contribution 1.</p>	<p>1. Yes. The Education Assessment shows PS3 is required. The funding for this is needed in a timely manner.</p> <p>A suitable Monitor and Manage mechanism is supported.</p> <p>2. No. The modifications as proposed are not satisfactory either to secure timely delivery or repayment of costs incurred.</p>
72. Discharge bonds for PS3 Contributions 2, 3, and 4.	To provide surety for forward funding.	P. to provide on the earlier of 25 months of the 2880 <sup>th</sup> occupation, or on the 3149 <sup>th</sup> occupation.	<p>1. Yes. The costs will have been incurred. Surety for public funds expended forward funding obligations on developers continues to be essential.</p> <p>2. No. Without surety KCC may be unable to forward fund PS3. It undermines the timely delivery of necessary infrastructure.</p>
73. Discharge PS4.	To ensure timely provision of primary school places, to repay KCC for forward funding the school places required to meet need generated by the Development, enable KCC to meet its statutory sufficiency duty, to create a sustainable development, and to support placemaking.	<p>N. = to not occupy more than:</p> <p>4599 until Contribution 1 paid</p> <p>4499 until site location agreed.</p> <p>4900 until site transfer</p> <p>P. = pay contributions 2 (24 months), and 3 (36 months)</p>	<p>1. Yes. The Education Assessment shows PS4 is required. The land and funding for this continue to be needed in a timely manner.</p> <p>2. No. The Development will have unmitigated demand for primary school places.</p>

		after Contribution 1.	
74. Discharge bonds for PS4 Contributions 2, and 3.	To provide surety for forward funding.	P. to provide on the earlier of 21 months of the 4600 <sup>th</sup> occupation, or on the 4900 <sup>th</sup> occupation.	<p>1. Yes. The costs will have been incurred. Surety for public funds expended forward funding obligations on developers continues to be essential.</p> <p>2. No. Without surety KCC may be unable to forward fund PS4. It undermines the timely delivery of necessary infrastructure.</p>
78. Modify repayment clauses such that a demand for surplus monies to be repaid one year after practical completion of a school build.	<p>To ensure:</p> <p>PS contributions remain available to KCC for a period to meet demand post-completion of the school build or Development.</p> <p>Unspent Contributions are returned after a specified period</p>	P. = to repay 10 years after receipt of final instalment for a school; and 1 year after practical completion of the school.	<p>1. Yes. Data in this Proof demonstrates that demand has been shown to continue to rise post-completion of developments which may necessitate the building of further school places many years after the Development has completed. Schools may be built in phases, thus may have more than one stage of practical completion.</p> <p>2. No. If any funding were unspent, it would lead to its premature return, and potentially unmitigated demand.</p>
79. Modify the requirement to provide a site "to KCC's level", to a "reasonable level".	To ensure the site is suitable for a school, its playing fields, and disabled access. The universal per place contribution (as per KCC Developer Contribution Guide) is predicated on school sites being provided in accordance with the general site transfer requirement, and not having abnormal costs. It	P. = agreed site transfer site to be provided to the Council's level.	<p>1. Yes. The requirement remains. The financial contributions to build the schools do not include levelling the sites. There is no double funding. The current wording has no ambiguity.</p> <p>2. No. These costs are not included in the PS Contributions. It shifts costs from the Developer to the Taxpayer. The proposed use of the</p>



	also means KCC can support developers by being more flexible regarding the location of school sites, as it is the responsibility of the developer to transfer it in a suitable condition.		term “reasonable” introduces ambiguity.
80. Modify to not fund the fencing of school sites.	School sites must be suitably fenced for safety and safeguarding purposes.	P. = agreed site transfer requires provision of fenced sites.	<p>1. Yes. The requirement remains. The financial contributions to build the schools do not include fencing the sites. There is no double funding.</p> <p>2. No. These costs are not included in the PS Contributions. It shifts costs from the Developer to the Taxpayer.</p>
81. Modify the requirements to provide and maintain haul roads required for school construction	To ensure construction traffic building the schools always have a suitable means of access over the Appellant’s land.	P. = agreed site transfer requires provision of haul roads to the school site boundaries, and to be maintained at the Appellant’s expense.	<p>1. Yes. Haul roads to sites that have no other means of access are essential to the delivery of any development. The existing clause already refers to “to the site boundary”.</p> <p>2. No. The second part of the modification, that the Appellant is not responsible for the ongoing maintenance of the haul road (a) moves the cost to the taxpayer, and (b) misses the point the haul road may serve other development.</p> <p>It also ignores the fact that “<b>Ensure Access</b>” is a defined term in the S106. The proposed modification does not amend this or any sections to which it applies.</p>
82. Modify the provision of	To ensure necessary infrastructure can	P. = agreed site transfer requires provision of	1. Yes. The Appellant controls access to the land surrounding school

<p>utilities to enable these to be provided after site transfer, and to enable that statutory undertakers' plant "may" be in school sites.</p>	<p>be efficiently and effectively delivered and occupied.</p>	<p>utilities to the school site boundaries, and that statutory undertakers' plant shall be outside the site boundary.</p>	<p>sites, and the utility infrastructure. This infrastructure is essential to deliver schools.</p> <p>School sites need to be secure and cannot facilitate 24-hour access to utility providers to access their plant.</p> <p>2. No. The purpose of a fixed trigger for site transfer is to ensure the Appellant knows well in advance when they must provide utilities to the site. The introduction of "within a reasonable time thereafter..." provides no clarity or certainty. This Proof has set out the difficulties experienced in securing utilities to the Secondary School site which clearly evidences why this proposed modification does not serve the purpose equally well.</p>
<p>83. Discharge the requirement to provide temporary electricity and water supplies.</p>	<p>This obligation provides scope for agreement to be reached between the developer and KCC. In the event permanent electricity and water supplies have not been provided in time for site transfer, and thus the developer being in breach of contract, by agreement the developer can provide temporary services. This enables the school build to commence.</p>		<p>1. Yes. The obligation only arises in the event the Appellant seeks to transfer a school site without discharging their obligations to provide utilities to the boundary.</p> <p>2. No. Combined with proposed modification 82, this modification makes delivery of schools uncertain and increases costs. The appellant controls the surrounding land and utility infrastructure.</p>
<p>84. Discharge the obligation to</p>	<p>To ensure the developer meets the costs incurred</p>	<p>P. = obligation to meet KCC's legal and</p>	<p>1. Yes. The requirement remains.</p>

meet KCC's legal and administrative costs associated with site transfers	by KCC, and not the taxpayer.	administrative costs associated with the S106, land transfer etc.	The costs will be incurred.  2. No. These costs are not included in the PS Contributions. It shifts costs from the Developer to the Taxpayer.
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## MONITOR AND MANAGE

- 94) KCC supports the modification of the S106 for the Development to include a “Monitor and Manage” process, provided this is appropriately drafted. As currently drafted in the Modification Table, the mechanism does not operate in a satisfactory way. It requires KCC to decide “whether to proceed or not with PS(x) for the purpose of **ensuring** that it is operational within three years” (my emphasis). However, the subsequent obligations on the Appellant, discharge of which are critical to ensuring the school is operational within three years, are not time bound. For example, the transfer of the school site is *“within 12 months from the date when another 200 dwellings (including the 100 above) have been first occupied across the site following the decision to proceed”*. Additionally, the unevidenced amendments to the trigger points and proposed removal of the obligation to provide Primary School 4 run contrary to the whole purpose of operating a monitor and manage process and are in any event unjustified by the evidence.
- 95) The Appellant's Explanatory Statement explains the Development has not progressed as originally envisaged. In truth, neither the Appellant nor KCC knows how it will progress in the future. It is precisely because of the uncertainties surrounding large scale housing sites that Monitor and Manage processes are often adopted.
- 96) The starting point for these should be to assess the site to determine the pupil yield it is likely to generate, then map when infrastructure would be needed to meet that demand, assuming nothing is available outside the development to meet it. This sets the trigger points which the Monitor and Manage process uses as reference points. As these reference points are approached, revised assessments are undertaken to determine whether or not change (generally deferral) of triggers is agreed between the parties.
- 97) These revised assessments of need would, in the case of the Development, cover the wider primary planning area (Ashford South).

**STATEMENT OF TRUTH**

I believe that the facts stated within this proof of evidence are true.

Signed:



PRINT NAME: David Adams

Date: 5<sup>th</sup> February 2025

## **APPENDIX A – EDUCATION ASSESSMENT**

Education Assessment of Chilmington Green Development (Ashford) for Primary education contributions

Housing trajectory and pupil yield for Chilmington Green Development (2019-49)

Step 1	Actual					Estimated																									
Detail	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	2035-36	2036-37	2037-38	2038-39	2039-40	2040-41	2041-42	2042-43	2043-44	2044-45	2045-46	2046-47	2047-48	2048-49
Actual completions and estimated phasing	0	75	74	91	108	125	225	250	250	300	300	300	328	225	174	150	150	150	175	225	250	300	309	300	150	150	150	150	150	166	0
Dwellings already accounted for in 2024 forecast (from HIA 2022-23)						150	95	67	60	54	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dwellings NOT accounted for in 2024 forecast						-25	130	183	190	246	300	300	328	225	174	150	150	150	175	225	250	300	309	300	150	150	150	150	150	166	0

Notes:

Data sources: Actual completions (highlighted green) from Housing Information Audit (HIA) 2019-20 to 2022-23. Estimated phasing from Table 10.4 of the Appellant's Explanatory Statement.

Rows 8 and 9 ensure no double counting of homes in the Development which are already accounted for in KCC's 2024 pupil forecasts. A balancing item of 11 dwellings has been inserted for 2022-23, representing the difference between the Appellant's data (table 10.4) and the HIA completions data up to that point.

Step 2

Cumulative expected no. of houses (92.17%)						-23	97	265	441	667	944	1,220	1,523	1,730	1,890	2,029	2,167	2,305	2,466	2,674	2,904	3,181	3,466	3,742	3,880	4,019	4,157	4,295	4,433	4,586	4,586
Cumulative expected pupil yield from houses @ 0.363 pupils per house						0	-8	35	96	160	242	343	443	553	628	686	737	787	837	896	971	1,055	1,155	1,258	1,359	1,409	1,459	1,509	1,560	1,610	1,665
Cumulative expected no. of 2+ bed flats (6.96%)						-2	7	20	33	50	71	92	115	131	143	153	164	174	186	202	219	240	262	283	293	303	314	324	335	346	346
Cumulative expected pupil yield from 2+ bed flats @ 0.127 pupils per flat						0	0	1	3	4	6	9	12	15	17	18	19	21	22	24	26	28	31	33	36	37	39	40	41	43	44
Cumulative Dwellings	0	75	149	240	348	473	698	948	1,198	1,498	1,798	2,098	2,426	2,651	2,825	2,975	3,125	3,275	3,450	3,675	3,925	4,225	4,534	4,834	4,984	5,134	5,284	5,434	5,584	5,750	5,750
Cumulative expected pupil yield from all dwellings*						0	-9	36	99	164	249	352	455	568	645	705	756	808	859	919	997	1,082	1,186	1,292	1,395	1,446	1,498	1,549	1,601	1,652	1,709

Notes:

Data sources: Housing mix is The Melton Mix, which was used to assess the original planning application.

\*dwellings not already accounted for in 2023 forecasts

Step 3

Operational capacity of Ashford South primary schools

		Actual						Forecast										Beyond scope for KCC forecasts- assumption that the capacities remain the same															
DfE no.	School name	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	2035-36	2036-37	2037-38	2038-39	2039-40	2040-41	2041-42	2042-43	2043-44	2044-45	2045-46	2046-47	2047-48	2048-49	
3909	Ashford Oaks Primary School	420	420	420	420	420	420	420	420	420	420	420	420	420	420	420	420	Assume remains as 2033-34															
2060	Beaver Green Primary School	420	420	420	420	420	420	420	420	420	420	420	420	420	420	420	420																
2093	Chilmington Green Primary School	90	150	150	180	240	270	330	360	390	420	420	420	420	420	420	420																
2282	Great Chart Primary School	480	450	420	420	420	420	420	420	420	420	420	420	420	420	420	420																
9919	John Wallis CE Primary Academy	420	420	420	420	420	420	420	420	420	420	420	420	420	420	420	420																
3299	John Wesley CE and Methodist Primary School	450	450	450	450	450	450	420	420	420	420	420	420	420	420	420	420																
3743	St. Simon of England RC Primary School	210	210	210	210	210	210	210	210	210	210	210	210	210	210	210	210																
Total capacity		2,490	2,520	2,490	2,520	2,580	2,610	2,640	2,670	2,700	2,730	2,730	2,730	2,730	2,730	2,730	2,730	2,730	2,730	2,730	2,730	2,730	2,730	2,730	2,730	2,730	2,730	2,730	2,730	2,730	2,730		

Expected number of pupils on the roll of Ashford South primary schools (2024 forecasts)

		Actual						Forecast										Beyond scope for KCC forecasts - have assumed that forecast rolls remain the same.														
DfE no.	School name	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	2035-36	2036-37	2037-38	2038-39	2039-40	2040-41	2041-42	2042-43	2043-44	2044-45	2045-46	2046-47	2047-48	2048-49
3909	Ashford Oaks Primary School	414	407	408	415	420	407	403	396	387	372	356	339	334	325	317	310	Assume remains as 2033-34														
2060	Beaver Green Primary School	402	406	409	412	413	408	403	397	388	372	356	337	330	321	312	304															
2093	Chilmington Green Primary School	6	74	101	136	171	212	235	254	260	261	240	235	225	220	215	210															
2282	Great Chart Primary School	483	452	420	422	422	420	422	422	420	410	396	384	370	359	349	339															
9919	John Wallis CE Primary Academy	369	358	335	371	392	400	395	388	382	370	356	340	334	325	318	311															
3299	John Wesley CE and Methodist Primary School	447	448	445	450	459	452	421	418	412	395	378	362	353	343	334	325															
3743	St. Simon of England RC Primary School	211	204	205	205	207	205	205	204	202	196	190	182	177	173	168	164	756	808	859	919	997	1,082	1,186	1,292	1,395	1,446	1,498	1,549	1,601	1,652	1,709
Cumulative expected pupil yield from Chilmington Green Development								-9	36	99	164	249	352	455	568	645	705	162	162	162	162	162	162	162	162	162	162	162	162	162	162	162
Cumulative expected pupil yield from Possingham Farm Development								-	-	20	41	61	81	101	122	142	162	162	162	162	162	162	162	162	162	162	162	162	162	162	162	162
Total pupils on roll		2,332	2,349	2,323	2,411	2,484	2,504	2,474	2,515	2,571	2,580	2,582	2,612	2,679	2,755	2,802	2,829	2,881	2,932	2,984	3,044	3,121	3,207	3,310	3,416	3,519	3,571	3,622	3,674	3,725	3,777	3,834
Capacity required to maintain 2% surplus places		2,380	2,397	2,370	2,460	2,535	2,555	2,525	2,566	2,624	2,633	2,635	2,666	2,733	2,811	2,859	2,887	2,939	2,992	3,045	3,106	3,185	3,272	3,378	3,486	3,591	3,644	3,696	3,749	3,801	3,854	3,912
Surplus places available to housing developments		110	123	120	60	45	55	115	104	76	97	95	64	-3	-81	-129	-157	-209	-262	-315	-376	-455	-542	-648	-756	-861	-914	-966	-1,019	-1,071	-1,124	-1,182
		Surplus places forecast in Ashford South												Deficit of places in Ashford South																		

Notes:

In line with the evidence presented in the Possingham Farm Appeal, we have assumed a phased build-out for this development across eight years (392 houses, 158 flats). The need created is not mitigated by that development.

### Step 4

- Timings of triggers based on KCC 's Education Assessment.

Current school opening trajectory - existing s106 triggers.

**Appellant's S106 modification requests.**

[illegible]

## **APPENDIX B – CORRESPONDENCE**



## KCC Education Proof of Evidence – Appendix B – Email Correspondence between David Adams (KCC) and Ben Hunter (EFM)

### RE: Alternative Education Assessment



David Adams - CY EPA

To Ben Hunter

 Follow up.

 Reply  Reply All  Forward  

Mon 03/02/2025 18:57

Hi Ben,

Thank you for sending this across.

I see we have a second area of disagreement, namely whether rolls and capacity should be assumed to remain as at 2033-34. Do you have an alternative methodology for me to consider?

Regards

**David Adams | Assistant Director Education (South Kent)** | Kent County Council | Kroner House, Eurogate Business Park, Ashford, Kent, TN24 8XU| Telephone:

| [www.kent.gov.uk](http://www.kent.gov.uk)

Business Support Officer: Laura Murphy -



**From:** Ben Hunter  
**Sent:** 03 February 2025 18:04  
**To:** David Adams - CY EPA  
**Subject:** Re: Alternative Education Assessment

Hi David,

Please see my proposed amendments to the SoCG.

Happy to discuss tomorrow.

Kind regards,

**Ben Hunter**  
Associate Director - Education and Social Infrastructure

EFM (Educational Facilities Management Partnership Ltd)  
Suite 2, Unit 10,  
Bradburys Court,  
Lyon Road,  
Harrow,  
HA1 2BY

On 2 Feb 2025, at 18:15,

wrote:

Hi ben,

I attach the Alternative Education Assessment as discussed. This uses the housing mix you provided.

As you know, my view is it is not appropriate to use this in the Appeal, as modifying the s106 does not amend the planning permission, and that allows for a higher percentage of houses than is now being suggested.

We can discuss this further tomorrow.

Regards

**David Adams | Assistant Director Education (South Kent) | Kent County Council | Kroner House, Eurogate Business Park, Ashford, Kent, TN24 8XU | Telephone:**

[|www.kent.gov.uk](http://www.kent.gov.uk)

Business Support Officer: Laura Murphy -

<image001.png>

<Alternative Education Assessment Draft.xlsx>

## RE: Housing Mix - Chilmington Green



David Adams - CY EPA

To Ben Hunter

Follow up.

Thanks we will stick it in the assessment model (which I assume you agree?).

Regards

David Adams | Assistant Director Education (South Kent) | Kent County Council | Kroner House, Eurogate Business Park, Ashford, Kent, TN24 8XU|

Business Support Officer: Laura Murphy –



**From:** Ben Hunter

**Sent:** 31 January 2025 10:06

**To:** David Adams - CY EPA

**Subject:** Housing Mix - Chilmington Green

Good morning David,

I have had the OK to share this with you. It's the RM applications housing mixes for P1 and P2.

As you will see this is coming out at 30% flats in Phase 1, and 21% flats for Phase 2, for an average of 25.94% flats across the whole development.

Is this sufficient to rerun the trajectory model in order to ascertain if it makes any difference to when the schools are required?

Speak this afternoon.

Kind regards,

**Ben Hunter**

Associate Director - Education and Social Infrastructure

EFM (Educational Facilities Management Partnership Ltd)  
Suite 2, Unit 10,  
Bradburys Court,  
Lyon Road,  
Harrow,

Reply Reply All Forward

Fri 31/01/2025 11:51

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---

**From:** Ben Hunter  
**Sent:** 30 January 2025 08:47  
**To:** David Adams - CY EPA  
**Subject:** Re: Draft SoCG

Hi David,

Yes apologies I was out of the office yesterday. I'll come back to you today.

Kind regards,

**Ben Hunter**  
Associate Director - Education and Social Infrastructure

EFM (Educational Facilities Management Partnership Ltd)  
Suite 2, Unit 10,  
Bradburys Court,  
Lyon Road,  
Harrow,  
HA1 2BY

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On 30 Jan 2025, at 08:31,

Re:

Hi Ben,

I know we are meeting tomorrow afternoon, but conscious we have to submit documents next Wednesday, it would be helpful to have your views on the matters below. Hopefully then tomorrow can be used to finalise agreements.

Regards

**David Adams | Assistant Director Education (South Kent) | Kent County Council | Kroner House, Eurogate Business Park, Ashford, Kent, TN24 8XU |**

[www.kent.gov.uk](http://www.kent.gov.uk)

Business Support Officer: Laura Murphy –

<image001.png>

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**From:** David Adams - CY EPA  
**Sent:** 28 January 2025 20:33  
**To:** Ben Hunter  
**Subject:** Draft

Hi Ben,

Conscious that time is fast ebbing away:

1. Can you please confirm if you agree the methodology of the Education Assessment I sent across on Friday 24<sup>th</sup> Jan? If we agree the methodology it is a simple process to create a second scenario based on a revised housing mix.
2. If you can please chase the housing mix information again, we can quickly map what that scenario looks like.
3. I have made a first attempt at a SoCG following our conversation. Again if you agree the methodology of the assessment, and we have two scenarios (Melton Mix and Revised Mix), the SoCG can make factual statements about what these show. I have included comments so you will, hopefully, see what I mean.

As neither you or I are viability experts or witnesses, there is one aspect I think we need to try and agree on related to basic need funding. You will see 3.10 and 3.11. I think we need to explain in an agreed fashion in the SoCG how the methodology works (in simple terms). Currently your Education Statement refers to BN funding as a possible funding solution. Para 3.1 of the SoCG (lifted from our Possingham SOCG)) shows we agree it is one funding stream, albeit it does not relieve developers of mitigating their impact. 3.10 summarises how the process has been operating (it may change). I have included at 3.11 the implications of BN funding methodology on trying to deliver a new school. I believe these are factual, and can be agreed. I have used the dfe's BN 2025-26 explanatory note to produce the draft text.

I am also looking to set out how much we receive per place (which I believe is lower than the cost of delivery). Again this will be a factual statement – we can share how we calculate the figure.

Currently I have stated we disagree on the housing mix to use, but this is really a holding statement. If I can have the housing mix asap, we can provide scenario 2, amend the SoCG to agree what the two scenarios tell us. I have not put anything in about “if we accept the revised housing mix the funding mechanism should change to be based on a per dwelling calculation” but I am open to doing so. Whether the Inspector can agree that is a question for others!

Regards

David Adams | Assistant Director Education (South Kent) | Kent County Council | Kroner House, Eurogate Business Park, Ashford, Kent, TN24 8XU| Telephone:

| [www.kent.gov.uk](http://www.kent.gov.uk)

Business Support Officer: Laura Murphy -

## RE: Meeting this morning

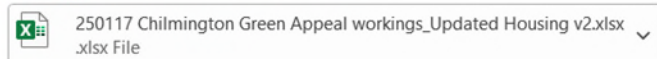


David Adams - CY EPA

To Ben Hunter

[Reply](#) [Reply All](#) [Forward](#) [...](#)

Fri 24/01/2025 15:37



Hi Ben,

As discussed, I attach the Education Assessment we have been working on. We have revised it to use the trajectory below. The methodology is as we discussed, and we think (subject to your final review) we agree is appropriate.

If you are able to provide details of the housing mix, including assumptions about affordable, we can re-run an alternative version to show what impact that would have. Clearly the sooner the better for that please, otherwise we both run out of time to put that information before the Inspector.

As a first step, if you are able to confirm you agree this methodology, we will both be clear as to how we are assessing need.

Many thanks.

Regards

David Adams | Assistant Director Education (South Kent) | Kent County Council | Kroner House, Eurogate Business Park, Ashford, Kent, TN24 8XU| Telephone

| [www.kent.gov.uk](http://www.kent.gov.uk)

Business Support Officer: Laura Murphy -



From: Ben Hunter  
 Sent: 22 January 2025 11:26  
 To: David Adams - CY EPA  
 Subject: Re: Meeting this morning

Table 10.4: Chilmington Green 2022 Forecast Total Traffic on A28 (2022 Phasing)

Phases Total (5750 Dwellings)	(Dwellings) Cumulative Total	Development Trips	Total Trips on A28
2022	298	434	14369
2023	348	673	14785
2024	473	1269	15557
2025	698	2343	16808
2026	948	3536	18165
2027	1198	4729	19524
2028	1498	6161	21121
2029	1798	7592	22717
2030	2098	9024	24316
2031	2426	10589	26054
2032	2651	11663	27299
2033	2825	12493	28301
2034	2975	13209	29187
2035	3125	13925	30074
2036	3275	14640	30942
2037	3450	15476	31923

Phases Total (5750 Dwellings)	(Dwellings) Cumulative Total	Development Trips	Total Trips on A28
2038	3675	16549	33143
2039	3925	17742	34481
2040	4225	19174	36059
2041	4534	20648	37667
2042	4834	22080	39235
2043	4984	22796	40089
2044	5134	23512	40942
2045	5284	24227	41795
2046	5434	24943	42639
2047	5584	25659	43483
2048	5750	26451	44404

Marking David,

Please see the trajectory being utilised by the Applicant, as per Point 2 of your email. This is the trajectory that is being relied upon, which I believe you are already aware of.

I look forward to discussing the other points shortly.

Kind regards,

**Ben Hunter**

Associate Director - Education and Social Infrastructure

EPM (Educational Facilities Management Partnership Ltd)

Suite 2, Unit 10,

Bradbury Court,

Lynn Road,

Harrow,

HA1 2BY

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On 20 Jan 2025, at 13:46,

Hi Ben,

Thank you for letting me know last week that you were still gathering information from the Team in respect of the questions below, and that our meeting of last week was cancelled. We are due to meet on Wednesday this week.

Are you able to update on any of the points below please?

We will need to meet this week to see where we are, what we can agree, and to start setting out the areas of disagreement.

Many thanks.

Regards

David Adams | Assistant Director Education (South Kent) | Kent County Council | Kroner House, Eurogate Business Park, Ashford, Kent, TN24 8XU| Telephone

| [www.kent.gov.uk](http://www.kent.gov.uk)

Business Support Officer: Laura Murphy -

<image001.png>

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**From:** David Adams - CY EPA

**Sent:** 09 January 2025 10:41

**To:** Ben Hunter

**Subject:** RE: Meeting this morning

Thank you for letting me know Ben. As discussed, I believe the key issues we need a common understanding on (be that we agree or we understand why we disagree) are:

1. Housing mix – where in the evidence does it set out that the housing mix is to change from the original application (and consent) which was 92% houses, 7% eligible flats?
2. Housing trajectory – the only information I can see in the evidence provided is in the Appellant's Explanatory Statement (4.3 and 10.22). Do you have any further details and if so where are these in the evidence base?
3. Pupil Yield Rates – in the Pound Lane Appeal (referred to in para 4.4 of your Education Statement) the PYR to be applied was an issue between us. In that case I put forward evidence (which I can resend if helpful) to demonstrate that sites in Ashford (Barracks 2017 (0.34 all dwellings), Ashford 2014-19 (0.33 houses), Park Farm 2018 (0.34 all dwellings), , and indeed Kent, were producing higher PYRs than that contained in KCC's developer contributions guide (0.28 houses). KCC's evidence was further supported by the DfE's guidance on estimating pupil yield and the associated dashboard which shows PYR for Ashford (0.363 houses) consistent with our local findings. In the Possingham Farm Appeal, core documents CD12/11 and CD12/12 showed Chilmington Green as producing a higher PYR than expected (0.353 all dwellings). As we both agree the DfE's guide (securing develop contributions August 2023) says assessments should be based on up-to-date pupil yield (para 3.16 of your Education Statement), we either need to agree a rate to be applied (I am suggesting using the DfE's findings as these are independent), or I need to understand your argument for not doing so. For clarity, the figures in our Developer Contributions Guide are from the MORI survey we had conducted in 2005. We are currently going through the governance process to update these to use DfE rates.
4. Modelling – The Modification Table (eg modification 69 – reasons for applying) says "current modelling .....". Can the modelling referred to be provided please? It has not been shared to date. Also, I assume this will underpin the proposed modifications to trigger dates, as we have not seen anything to demonstrate how these have been arrived at.
5. Peak and long term demand – The Appellant's Explanatory Statement refers to this (eg para 11.22), but provides no evidence. The issue featured in the Possingham Farm Appeal, but your Education Statement does address it. Are you now not relying upon this argument, and if you are, what methodology are you using to make these calculations? I do not believe there is any national data or methodology to support any calculation. The DfE's PY Dashboard contains longitudinal data, including sites that have built. Their post completion data shows demand in the primary sector continuing to rise (summary below)

**Kent post-completions data from DfE Dashboard (2023)**

Mainstream primary

Years after completion	No. of datasets	Total units	Total pupils	Pupil yield per dwelling
0-1 years	12	21,823	6,540	0.300
1-2 years	11	15,014	4,974	0.331
2-3 years	10	12,648	4,638	0.367
3-4 years	9	9,637	3,682	0.382
4-5 years	8	7,365	2,925	0.397
5-6 years	7	5,686	2,295	0.404
6-7 years	6	3,341	1,416	0.424
7-8 years	5	2,377	1,020	0.429
8-9 years	4	1,448	606	0.419
9-10 years	3	659	275	0.417

Number of units for 10 years and 11 years not high enough for analysis

6. Long term forecasts – Our forecasts in the Commissioning Plan run to 2032/33. The Development is set to be under construction until at least 2048 (by which time the children of the current school pupils may well be seeking school places!). Your Education Statement does not look beyond the 2032/33 forecasts from our Commissioning Plan. Are you proposing to produce a model up to 2048, and if so, using what methodology please? I note the ONS sub-population forecasts (2018) only run to 2043.
7. Self-contained assessment vs incorporating capacity outside the site – we discussed whether large sites like this, which have delivery periods that span decades, can ever be assessed in any way other than as self-contained units that are expected to meet their own demand. Indeed, the Appellant's Explanatory Statement (11.15) explains it is reasonable that a development of this scale will do just that. Given the issues above (long term forecasts, changes in housing mix, delivery rates, pupil yield) there are significant challenges in determining the long-term situation both within and without the development. In my experience, sites of this nature are assessed as stand alone. It is through a monitor and manage process that the ever-changing environment in which they are being developed is considered and appropriated decisions made, with the original assessed need (quantum and triggers) being the reference point. Your views would be appreciated, so we can hopefully reach a common position to present to the inspector.

I remain of the view that the solution here is to focus on drafting a monitor and manage process that is effective and works for both parties. The modifications proposed (as drafted) do not work.

Many thanks.

Regards

**David Adams | Assistant Director Education (South Kent) | Kent County Council | Kroner House, Eurogate Business Park, Ashford, Kent, TN24 8XU|**

**| [www.kent.gov.uk](http://www.kent.gov.uk)**

Business Support Officer: Laura Murphy -

<image001.png>

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**From:** Ben Hunter  
**Sent:** 09 January 2025 08:19  
**To:** David Adams - CY EPA  
**Subject:** Meeting this morning

Morning David,

I have not had the opportunity to get the info you require from the Team as yet as I've not been in the office.

I will come back to you on this ASAP. I'll email it to you and we can follow up with a call.

Kind regards,

**Ben Hunter**  
Associate Director - Education and Social Infrastructure

EFM (Educational Facilities Management Partnership Ltd)  
Suite 2, Unit 10,  
Bradburys Court,  
Lyon Road,  
Harrow,  
HA1 2BY

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## **APPENDIX C – ALTERNATIVE EDUCATION ASSESSMENT**

Alternative Education Assessment of Chilmington Green Development (Ashford) for Primary education contributions  
Hunter Housing Mix

Step 1	Housing trajectory - Chilmington Green Development (2019-49)					Phase 1 - Actual					Phase 1 - trajectory					Phase 2 - trajectory					Phases 3 and 4 - trajectory											
Detail	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	2035-36	2036-37	2037-38	2038-39	2039-40	2040-41	2041-42	2042-43	2043-44	2044-45	2045-46	2046-47	2047-48	2048-49	
Actual completions and estimated phasing	0	75	74	91	108	125	225	250	250	300	300	300	328	225	174	150	150	150	175	225	250	300	309	300	150	150	150	150	150	166	0	
Dwellings already accounted for in 2024 forecast (from HIA 2022-23)						150	95	67	60	54	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Dwellings NOT accounted for in 2024 forecast						-25	130	183	190	246	300	300	328	225	174	150	150	150	175	225	250	300	309	300	150	150	150	150	150	166	0	

Notes:

Data sources: Actual completions (highlighted green) from Housing Information Audit (HIA) 2019-20 to 2022-23. Estimated phasing from Table 10.4 of the Appellant's Explanatory Statement.

Rows 8 and 9 ensure no double counting of homes in the Development which are already accounted for in KCC's 2024 pupil forecasts. A balacing item of 11 dwellings has been inserted for 2022-23, representing the difference between the Appellant's data (table 10.4) and the HIA completions data up to that point.

Step 2	Pupil Yield Calculation					Phase 1 (actual)					Phase 1 (forecast)					Phase 2 (forecast)				Phase 3 onwards (forecast)											
Detail	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	2035-36	2036-37	2037-38	2038-39	2039-40	2040-41	2041-42	2042-43	2043-44	2044-45	2045-46	2046-47	2047-48	2048-49
Cumulative applicable (2+ bed) flats (2023-24 onwards)	-	-	-	-	-	-7	30	82	135	205	251	297	347	382	421	455	490	524	563	615	672	740	810	878	912	947	981	1,015	1,049	1,087	1,087
Cumulative expected pupil yield (2024-25 onwards) from applicable (2+ bed) flats @ 0.127 pupils per flat	-	-	-	-	-	0	-1	4	10	17	26	32	38	44	49	54	58	62	67	72	78	85	94	103	112	116	120	125	129	134	138
Cumulative houses (2023-24 onwards)	-	-	-	-	-	-18	74	202	336	508	746	984	1,243	1,422	1,550	1,661	1,773	1,884	2,013	2,180	2,365	2,587	2,816	3,038	3,149	3,260	3,372	3,483	3,594	3,717	3,717
Cumulative expected pupil yield (2024-25 onwards) from houses @ 0.363 pupils per house	-	-	-	-	-	0	-6	27	73	122	185	271	357	451	516	563	603	644	684	731	792	859	939	1,023	1,103	1,144	1,184	1,224	1,265	1,305	1,350
Cumulative expected pupil yield from all dwellings*	-	-	-	-	-	0	-7	31	84	139	211	303	395	496	565	617	661	706	751	803	870	944	1,034	1,126	1,215	1,260	1,304	1,349	1,394	1,438	1,488

NOTES:

Housing mix provided to KCC via email from Ben Hunter of EFM on 31st January 2025.

Phase 1 - Applicable (2+ bed) flats (28.32%), Houses (70.23%)

Phase 2 - Applicable (2+ bed) flats (15.32%), Houses (79.19%)

Phase 3 - Assumed average of phases 1&2 - Applicable (2+ bed) flats (22.75%), Houses (74.06%)

\*dwellings not already accounted for in 2023 forecasts

Step 3		Operational capacity of Ashford South primary schools						Actual						Forecast								Beyond scope for KCC forecasts- assumption that the capacities remain the same															
DfE no.	School name	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	2035-36	2036-37	2037-38	2038-39	2039-40	2040-41	2041-42	2042-43	2043-44	2044-45	2045-46	2046-47	2047-48	2048-49					
3909	Ashford Oaks Primary School	420	420	420	420	420	420	420	420	420	420	420	420	420	420	420	420	Assume remains as 2033-34																			
2060	Beaver Green Primary School	420	420	420	420	420	420	420	420	420	420	420	420	420	420	420	420																				
2093	Chilmington Green Primary School	90	150	150	180	240	270	330	360	390	420	420	420	420	420	420	420																				
2282	Great Chart Primary School	480	450	420	420	420	420	420	420	420	420	420	420	420	420	420	420																				
9919	John Wallis CE Primary Academy	420	420	420	420	420	420	420	420	420	420	420	420	420	420	420	420																				
3299	John Wesley CE and Methodist Primary School	450	450	450	450	450	450	420	420	420	420	420	420	420	420	420	420																				
3743	St. Simon of England RC Primary School	210	210	210	210	210	210	210	210	210	210	210	210	210	210	210	210																				
Total capacity		2,490	2,520	2,490	2,520	2,580	2,610	2,640	2,670	2,700	2,730	2,730	2,730	2,730	2,730	2,730	2,730	2,730	2,730	2,730	2,730	2,730	2,730	2,730	2,730	2,730	2,730	2,730	2,730	2,730	2,730	2,730					

Expected number of pupils on the roll of Ashford South primary schools (2024 forecasts)		Actual						Forecast										Beyond scope for KCC forecasts - have assumed that forecast rolls remain the same.																	
DfE no.	School name	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	2035-36	2036-37	2037-38	2038-39	2039-40	2040-41	2041-42	2042-43	2043-44	2044-45	2045-46	2046-47	2047-48	2048-49			
3909	Ashford Oaks Primary School	414	407	408	415	420	407	403	396	387	372	356	339	334	325	317	310	Assume remains as 2033-34																	
2060	Beaver Green Primary School	402	406	409	412	413	408	403	397	388	372	356	337	330	321	312	304																		
2093	Chilmington Green Primary School	6	74	101	136	171	212	235	254	260	261	240	235	225	220	215	210																		
2282	Great Chart Primary School	483	452	420	422	422	420	422	422	420	410	396	384	370	359	349	339																		
9919	John Wallis CE Primary Academy	369	358	335	371	392	400	395	388	382	370	356	340	334	325	318	311																		
3299	John Wesley CE and Methodist Primary School	447	448	445	450	459	452	421	418	412	395	378	362	353	343	334	325																		
3743	St. Simon of England RC Primary School	211	204	205	205	207	205	205	204	202	196	190	182	177	173	168	164																		
Cumulative expected pupil yield from Chilmington Green Development		-	-	-	-	-	0	-	31	84	139	211	303	395	496	565	617	661	706	751	803	870	944	1,034	1,126	1,215	1,260	1,304	1,349	1,394	1,438	1,488			
Cumulative expected pupil yield from Possingham Farm Development								-	-	20	41	61	81	101	122	142	162	162	162	162	162	162	162	162	162	162	162	162	162	162	162	162			
Total pupils on roll		2,332	2,349	2,323	2,411	2,484	2,504	2,475	2,509	2,556	2,555	2,544	2,563	2,619	2,683	2,722	2,741	2,786	2,831	2,875	2,927	2,994	3,069	3,158	3,250	3,340	3,384	3,429	3,474	3,518	3,563	3,612			
Capacity required to maintain 2% surplus places		2,380	2,397	2,370	2,460	2,535	2,555	2,526	2,560	2,608	2,607	2,596	2,616	2,672	2,737	2,777	2,797	2,843	2,888	2,934	2,987	3,055	3,131	3,223	3,317	3,408	3,453	3,499	3,545	3,590	3,636	3,686			
Surplus places available to housing developments		110	123	120	60	45	55	114	110	92	123	134	114	58	-7	-47	-67	-113	-158	-204	-257	-325	-401	-493	-587	-678	-723	-769	-815	-860	-906	-956			
		Surplus places forecast in Ashford South																Deficit of places in Ashford South																	

Notes:

In line with the evidence presented in the Possingham Farm Appeal, we have assumed a phased build-out for this development across eight years (392 houses, 158 flats). The need created is not mitigated by that development.

### Step 4 Key

	Determination of need
	Site transfer
	School opening

### Step 4

[illegible]