

## **DECISION REPORT TO CABINET MEMBER**

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**From:** Christine McInnes, Corporate Director of Children, Young People and Education

**To:** Beverley Fordham, Cabinet Member for Education and Skills

**Subject:** Agree to the proposal to increase the capacity at Ebbsfleet Green Primary School, Ackers Drive, Weldon Road, Ebbsfleet Valley, Swanscombe, Kent, DA10 1AL

**Decision no:** 25/00112

**Key Decision:** Expenditure of over £1m

**Classification:** Unrestricted

**Past Pathway of report:** N/A

**Future Pathway of report:** Cabinet Member Decision

**Electoral Division:** Swanscombe and Greenhithe, served by Thomas Mallon

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**Is the decision eligible for call-in? Yes**

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### **Summary:**

This report sets out the proposal to provide capital investment to increase the capacity at Ebbsfleet Green Primary School to safely accommodate two bulge classes that were admitted in September 2024 and September 2025.

### **Recommendation(s):**

That the Cabinet Member for Education and Skills:

- I. APPROVE the allocation of £1,200,000 from the Children, Young People and Education Basic Need Capital Budget to fund the work to increase the capacity at Ebbsfleet Green Primary School.
  - II. DELEGATE authority to the Director of Infrastructure, in consultation with the Head of Law and Director of Education and SEND to take relevant actions including but not limited to entering into relevant contracts or other legal agreements as required to implement the decision; and
  - III. AGREE for the Director of Infrastructure, to be the nominated Authority Representative within the relevant agreements, with authority to enter variations as envisaged under the contracts. Variations to contract value to be no more than 10% above the capital funding agreed by the Cabinet Member for Education and Skills without requiring a new Key Decision.
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## **1. Introduction**

- 1.1 Kent County Council (KCC) as the Local Authority, has a statutory duty to ensure sufficient high quality school places are available, in the right places for all learners, while at the same time fulfilling our other responsibilities to raise education standards and promote parental preference. The County Council's Commissioning Plan for Education Provision in Kent is a five-year rolling plan which is updated annually. It sets out KCC's future plans as Strategic Commissioner of Education Provision across all types and phases of education in Kent.
- 1.2 This proposal to increase the capacity at Ebbsfleet Green Primary School has been developed because the Kent Commissioning Plans for 2024/28 and 2025/29 both indicated there would be a shortfall in Year R places for September 2024 and September 2025 in the Swanscombe and Ebbsfleet Planning Group (which includes the Ebbsfleet Garden City). Partly due to delays in the planned opening of the new primary school at Alkerden Church of England Academy.
- 1.3 To support KCC in mitigating against this shortfall, Maritime Academy Trust and the school agreed to admit bulge classes of 30 pupils for two years - increasing their Reception intake from 60 to offer 90 places for September 2024 and September 2025.
- 1.4 The school was able to initially accommodate these additional classes, as the school is still growing following its opening in 2020, and two classes were still unused. However, by September 2026, the school will be full and therefore, additional classrooms are required to ensure the two bulge classes can be safely accommodated.

## **2. Key Considerations**

- 2.1 This proposal to increase capacity at the school will take the form of a new modular building at the rear of the school's site and is designed to deliver three new classrooms alongside minor internal reconfiguration within the main school.

The new modular building will include;

- Three standard-size classrooms
- Pupil toilets
- An accessible toilet
- A lobby area
- Dedicated storage space
- The externals of the building will be designed to suit the needs of the environment as well as any planning constraints
- The building will be fully accessible via pathways and ramps, where required

- 2.2 By permanently installing three additional classrooms along with appropriate ancillary space, it will provide the school with sufficient space to safely accommodate the two additional bulge classes and create a second nursery class, providing much needed additional early years places in the locality.

- 2.3 The school also hosts a Specialist Resource Provision (SRP) and it is clear the complexity of needs in the school has increased considerably since the school first opened. Longer term (5-6 years), when the bulge classes have progressed through the school, the then free classrooms can be used as additional SEND intervention spaces. This could include a physical expansion of the SRP.
- 2.4 A planning application for the scheme is currently being prepared by an external planning consultant. Early pre-application discussions have indicated there are no significant concerns.
- 2.5 KCC Highways has been consulted to ensure the proposal aligns with all relevant requirements.
- 2.6 If no further action is taken, Ebbsfleet Green Primary school will find it extremely difficult to provide sufficient places for their PAN of 60 pupils for September 2026, and for the years that follow.
- 2.7 KCC has a responsibility to provide appropriate permanent accommodation for these additional pupils as they progress through the school.

### **3. Background**

- 3.1 Dartford Borough's population is increasing with more families moving into the area.
- 3.2 Ebbsfleet Green Primary School was opened in direct response to the rapid expansion of the Ebbsfleet Garden City development - part of a large-scale project delivering thousands of new homes and community infrastructure.
- 3.3 As a result of this rapid expansion and delays to the opening of the new primary school at Alkerden Church of England Academy, KCC needed additional Year R primary school places to manage the increase in demand for the September 2024 and September 2025 intakes. One strategy for providing additional Year R school places for these two years has been to expand existing successful and popular schools.
- 3.4 Ebbsfleet Green Primary School is a mixed-gender free school for children aged 3 to 11 years (Reception through Year 6, including a 26-place nursery). It opened in September 2020 and is part of Maritime Academy Trust, which acts as its academy sponsor and admissions authority. The school offers a non-selective, inclusive education, and includes a 15-place SRP for pupils with autism spectrum disorder - The Woodlands.
- 3.5 Following an inspection that took place in March 2023, Ofsted deemed Ebbsfleet Green Primary School to be a 'GOOD' school.

### **4. Options considered and dismissed, and associated risk**

- 4.1 KCC considered whether other primary schools in the Swanscombe and Ebbsfleet Planning Group had additional Year R capacity for September 2024 and September 2025. However, no additional capacity was available.

Therefore, no other primary school in the local area could produce sufficient places to meet the demand in the timescales required.

4.2 Once Ebbsfleet Green Primary School had been selected as the school to accommodate the additional pupils, there were three possible options identified. The two options that were considered but discarded were:

- Permanently expand the school by one FE. This option was logistically and financially challenging due to the configuration and size of the school site. Additionally, as the primary provision at Alkerden Church of England Academy is due to open in September 2026, this option was dismissed.
- The Proposal to temporarily expand the school using leased modular accommodation for six years was not considered a feasible solution. It would impose significant additional strain on the Education Revenue Budget while delivering no long-term benefit. Even for a minimal setup - just two classrooms with toilets and no third classroom to provide essential flexible space for interventions - the cost would be £914,899. Given the high expense, lack of flexibility, and absence of lasting value, this option was dismissed.

## **5. Financial Implications**

### **5.1 Capital**

5.1.1 The approved KCC procurement route for Ebbsfleet Green Primary School is a competitive tender process with preferred mobile contractors, delivered under a JCT Design and Build Contract 2016 (with KCC amendments). The appointed contractor will assume full design responsibility to provide a compliant solution.

5.1.2 This scheme will be managed by KCC and will be confirmed via a legally binding agreement between KCC and Maritime Academy Trust.

5.1.3 From feasibility studies, the cost for the whole scheme will be £1,294,245. However, it should be noted that figures from these studies represent high-level estimates, and the final tendered cost is expected to be less than £1,200,000. This reduction will include savings from value engineering the project.

5.1.4 The current cost-per-pupil benchmark for Primary Extension and Refurbishment is:

- KCC baseline: £20,698.57 per pupil
- DfE benchmark: £23,339.66 per pupil

5.1.5 Based on the high-level cost provided, this scheme equates to approximately £20,000 per pupil. However, as noted at 5.1.3 above, the final tendered cost is expected to be lower, and could even reduce to as little as £16,666.66 per pupil.

- 5.1.6 KCC Project Managers will be undertaking continuous checks to keep project costs as low as possible.
- 5.1.7 Should the Cabinet Member for Education and Skills agree to progress the scheme; an agreement will be finalised and sealed with Maritime Academy Trust. The agreement will set out the requirements on the school to maintain the accommodation.
- 5.1.8 An allowance of up to £2,500 per teaching space may be payable to Ebbsfleet Green Primary School; to outfit each new teaching room with appropriate ICT equipment, such as touch screens or projection equipment. This will be met from the overall Capital allocation for this scheme.
- 5.1.9 Capital Costs for mainstream provision are funded through the Basic Need Capital Programme, which is made up from a range of sources including the Basic Need Grant, Developer Contributions, Prudential Borrowing (originally agreed to fund shortfalls in historic schemes) and other specific grants (such as schools rebuild programme). The Basic Need Grant is the largest contributor to the programme and is provided by the DfE to support local authorities fulfil their statutory duty to ensure there are enough school places for children aged 5 to 16 in their area. The grant is allocated annually, based on Local Authorities' own pupil forecasts and school capacity data, which they submit through the School Capacity Survey. The funding is primarily intended to support the creation of new school places - either by expanding existing schools or building new ones to meet projected demand.
- 5.1.10 The Education capital programme is continuously reviewed, with projects entering and leaving the programme regularly in response to demand and project completions. As at September 2025, the Basic Need programme for current and future schemes had a budget of circa £154m and the value of projects that are currently included in the programme is circa £110m (this included the potential cost of £1.2m for this project). The current balance of circa £44m will be used to meet the cost of any new schemes, alongside future DfE Basic Need Grant allocations, new developer contributions and other external grants. To ensure all schemes are prioritised appropriately and expenditure is controlled within available funding, any new scheme included in the programme, first needs to be considered and agreed by Education Asset Board, before being progressed through the formal governance processes.

## **5.2 Revenue**

- 5.2.1 Should the scheme not proceed through to completion, any costs incurred at the time of cessation would become abortive costs and are likely to be recharged to Revenue. This would be reported through the regular financial monitoring reports to Cabinet. If this was to happen, this would be a cost to the General Fund.
- 5.2.2 As the scheme progresses, £6,000 per newly provided learning space, would be provided towards the cost of furniture and equipment, such as tables, desks, chairs, cabinets and learning resources. This will be funded from the Dedicated Schools Grant, a ring-fenced grant from the Department of

Education, allocated in line with the Growth Fund policy for schools. This is not a General Fund cost.

5.2.3 Ebbsfleet Green Primary School will appoint additional staff as required; utilising revenue funding allocated through the Schools Funding Formula for these additional students. This is also funded from the Dedicated Schools Grant.

5.2.4 Therefore there are no expected General Fund costs linked to this proposal apart from the standard risk of abortive costs which are considered low risk.

## **6. Legal implications**

6.1 Kent County Council, as the Local Authority, has a statutory duty, pursuant to s. 14 of the Education Act 2006, to plan for and ensure sufficient school places are available. This duty applies to mainstream settings, as well as SEND provision.

6.2 The County Council's Commissioning Plan for Education Provision in Kent 2025-29 is a five-year rolling plan which is updated annually. It sets out KCC's future plans as Strategic Commissioner of Education Provision across all types and phases of education in Kent.

6.3 Under the Children and Families Act 2014 Kent County Council has a duty 'to support the child and his or her parent, or the young person, in order to facilitate the development of the child or young person and to help him or her achieve the best possible educational and other outcomes'. By ensuring we have appropriate provision as locally as possible, we are delivering on our obligation in accordance with this legislation.

6.4 Local Authorities need to deliver their statutory duties and be aware of non-statutory guidance and advice, which relate to children and young people. These include are:

- Department for Education - Making significant changes to an academy 2025: non-statutory guidance on collaborative school place planning and making organisational changes to academies.
- Sufficiency Duties: Kent County Council is under a statutory duty to contribute towards the spiritual, moral, mental and physical development of the community by securing that efficient primary education and secondary education are available to meet the needs of the population of their area: section 13 of the Education Act 1996 ("the 1996 Act").
- Kent County Council must ensure that its education functions are exercised by the authority with a view to promoting high standards, ensuring fair access to opportunity for education and training, and promoting the fulfilment of learning potential by every person under the age of 20 and those over the age of 20 and for whom an EHC Plan is maintained: section 13A. By section 14, Kent County Council must secure that sufficient schools for providing primary and secondary education are available for their area, defined as being sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education.

- Kent County Council, when carrying out its functions must have “due regard” to the provisions of section 149 of the Equality Act 2010, known as the ‘public sector equality duty’.

6.5 Planning permission will be required for the new accommodation to enable the expansion of the school’s accommodation. As part of the agreement, Kent County Council will be responsible for gaining the appropriate planning consent.

6.6 The Director of Infrastructure in consultation with the Director of Education will be overseeing the scheme to ensure public funds are utilised appropriately.

## **7. Equalities implications**

7.1 An Equality Impact Assessment has been produced by KCC. No issues were identified.

7.2 The proposal will not change the delivery of education with the school. Additional school places benefit residents, including those with protected characteristics, to access local school places. Therefore, there should be no equalities implications.

## **8. Data Protection Implications**

8.1 Any information that would have Data Protection implication was gathered by Ebbsfleet Green Primary School, as its own Data Controller. Any protected data will be managed by the school.

## **9. Other corporate implications**

9.1 Ebbsfleet Green Primary School will consult with Planners and KCC’s Highways and Planning colleagues as appropriate, throughout the planning process.

## **10. Governance**

10.1 The KCC Member for Swanscombe and Greenhithe, Thomas Mallon, has been informed of the proposal and has welcomed the increase in capacity.

10.2 A Public Consultation is not required for this proposal.

10.3 Both the school and the Academy Trust are fully supportive of the proposal.

## **11. Conclusions**

11.1 The Assistant Director Education-North Kent, has said the analysis of demand in the Swanscombe and Ebbsfleet Planning Group showed that additional Year R capacity was required in the area for September 2024 and September 2025.

11.2 Other school sites were considered, and all other alternatives were

considered, and the conclusion is to increase capacity at Ebbsfleet Green Primary School.

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### **Recommendation(s):**

That the Cabinet Member for Education and Skills:

- I. APPROVE the allocation of £1,200,000 from the Children, Young People and Education Basic Need Capital Budget to fund the work to increase the capacity at Ebbsfleet Green Primary School.
  - II. DELEGATE authority to the Director of Infrastructure, in consultation with the Head of Law and Director of Education and SEND to take relevant actions including but not limited to entering into relevant contracts or other legal agreements as required to implement the decision; and
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## **12. Background Documents**

- Kent Commissioning Plan 2024-2028
- Kent Commissioning Plan 2025-2029
- EqIA

## **13. Appendices**

- Appendix A - RoD

## **14. Contact details**

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