

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

Beverley Fordham, Cabinet Member for Education
and Skills

DECISION NUMBER:

26/00025

Executive Decision – key

26/00025– Proposed New Paddock Wood Primary School

Decision:

As Cabinet Member for Cabinet Member for Education and Skills, I agree to:

- 1) APPROVE the allocation of £1,409,507 from the Children, Young People and Education Services Basic Need Capital Budget to complete the pre-construction design activities required to establish a new primary school at Paddock Wood.
- 2) AUTHORISE the initiation of the presumption process required to establish a new primary school at Paddock Wood.
- 3) DELEGATE authority to the Director of Infrastructure in consultation with the Director of Education and SEND, and the Head of Law to take relevant actions, to deliver the pre-construction phase, including but not limited to negotiating, entering into and finalising the terms of relevant contracts, contract variations or other legal agreements (including granting of leases for utility installations for over 20 years, if necessary) as required, to implement the decision; and
- 4) 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 Record of Decision.

Reasons for decision:

Kent County Council (KCC), as the Local Authority (LA), has a statutory duty to ensure sufficient school places are available. The County Council's Commissioning Plan for Education Provision in Kent 2026-30 (KCP) is a five-year rolling plan which is updated annually. It sets out our future plans as Strategic Commissioner of Education Provision across all types and phases of education in Kent.

For provision planning purposes KCC's forecasting methodology produces forecasts according to planning groups. These planning groups are nationally recognised by central Government.

Paddock Wood has seen significant housebuilding in recent years, consequently the forecast for the Paddock Wood planning group shows deficits throughout the KCP Plan period. In the short term, the demand for places can be accommodated in the neighbouring planning groups or within one of the small schools within the planning group offering over PAN. However, from 2028-29 the demand is forecast to be 1 FE or greater and there are fewer places available in neighbouring planning groups.

To meet this demand for places within the Paddock Wood planning group we will seek to establish a new primary school within the town to open in September 2028. The new school will include classroom space to accommodate 1FE and core facilities sufficient for 2 FE to support future expansion when needed. The new school will also include a 26 place nursery and a 14 place SRP.

By law, all new schools in England must be opened as Free Schools, set up and run by Multi-Academy Trusts. The process by which local authorities establish a new Free School, and the Secretary of State appoints a Multi-Academy Trust to run it, is known as the Free School Presumption. Along with requesting the allocation of Basic Need capital funds needed to complete the pre-construction design activities, permission will be sought to commence the presumption process required to establish a new school.

Approval is sought for pre-construction expenditure and to commence the Free School Presumption process. A further Key Decision will be brought forward to approve the capital funding for the construction phase once Stage 4 design is complete and full costs are confirmed.

Financial implications:

Capital

Initial feasibility and design works were completed to design the new school up to RIBA Stage 3 (outline design and planning submission). These works were completed within officers delegated authority at a total cost of £871k. However, to complete the design of the new school up to RIBA Stage 4 a further c£537k is required and therefore a Cabinet Member decision is being sought to complete pre-construction activities and inform stage 5 construction costs, as the combined value of pre-construction activities, will be over £1 million, with an estimated value of £1,409,507.

At this early stage of the project the indicative construction costs are estimated to be £10.7m making the combined whole project cost circa £12.11m. However, as this is based on no design or investigation information as the extent of the project becomes known the costs may change and a further decision taken.

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 Education capital programme is continuously reviewed, with projects entering and leaving the programme regularly in response to demand and project completions. The 2026-27 Basic Need Budget, agreed at County Council in February, of £148 million included an allowance for completing these pre-construction costs.

Revenue

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. This will be a cost to the General Fund.

Legal implications:

Planning permission will be required for the new school.

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

Local authorities must plan for and secure sufficient school places for their area in line with their duties under section 14 of the Education Act 1996.

Section 6A of the Education and Inspections Act 2006, provides that local authorities in England are required to seek proposals to establish an 'academy' (free school), when a new school is needed. The "free school presumption" process requires new schools to be independent of local authority control. The process includes local authority consultation, identifying a site, running a competition, and assessing proposals from academy trusts. Non-statutory Guidance has been published in May 2024, to support and assist local authorities and new school proposers. ['Establishing a new academy: the free school presumption route'].

Equalities implications:

An Equality Impact Assessment (EqIA) has been completed for the Proposed new school. The screening found no evidence that the KCP will impact negatively on pupils from Protected Groups or lead to them being treated less favourably.

Data Protection implications:

There are no data protection implications.

Cabinet Committee recommendations and other consultation:

The proposed decision will be considered by the Children, Young People and Education Cabinet Committee on 12 May 2026

Any alternatives considered and rejected:

Paddock Wood currently has one primary school that is situated on a compact site that has limited scope for future expansion. The nearest schools that border Paddock Wood are smaller schools in rural locations with very limited scope for substantial expansion. They collectively do not have sufficient places available to accommodate the growing demand driven by new housing development.

The nearest schools with places available are within Tonbridge and Tunbridge Wells town centres which would mean travel distances of around 5 miles from the new school site; for many children located to the East of the new school site it would entail greater distances. Pupils travelling these distances would be eligible for free school transport. This would have a substantial and long-term impact on KCCs school transport budget.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

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Signed

Date