

KENT COUNTY COUNCIL – RECORD OF DECISION

DECISION TAKEN BY:

Richard Long,  
Cabinet Member for Education and Skills

DECISION NO:

21/00014

For publication

**Subject:** Chilmington Green Secondary School Provision, Ashford

Decision:

**As Cabinet Member for Education and Health Reform, I agree to:**

- (a) Transfer developer contributions from the Chilmington Green development relating to the secondary school, amounting to £22,500,000, to the Department for Education, as and when received, if the School is delivered via the DfE 'Wave' programme;
- (b) Approve up to £3,100,000 from the Children, Young People and Education capital budget to provide the access and service infrastructure required to provide a serviced school site; and
- (c) Delegate authority to the Director of Infrastructure to take necessary actions, including but not limited to entering into necessary contracts or taking other legal actions as required to implement the decision, in consultation with the Director of Education and the General Counsel.

Reason(s) for decision:

The approval of a new 6FE secondary school at Chilmington Green in Ashford via the Government 'Wave' programme will support the early delivery of education infrastructure that is required to ensure KCC can fulfil its statutory role in ensure sufficient school places. Given that KCC does not have the capital funding to deliver the school prior to receiving the s106 payments, this is a welcome investment.

The DfE expects that KCC will commit to pass over the s106 contributions as and when received, formally committing to this is appropriate to give the DfE the surety required.

The estimated £3,100,000 cost of delivering the site in a condition to enable transfer to the DfE would represent an immediate pressure on the capital budget, but this would be far less significant than that arising from the loss of the wave funding. The s106 with the developer will be varied to provide for the repayment to KCC of the costs of providing access and utilities to the school site, and for mitigating any issues on site which are the developer's responsibility under the s106.

**Financial Implications:**

Funding for Chilmington Green Secondary School has been agreed via a s106 agreement. There are 6 payments linked to both time or occupation triggers totalling £22,500,000 plus indexation. If the School is delivered via the Wave programme it is expected that the s106 payments, are transferred to the DfE as and when they are received by KCC.

The £3,100,000 estimated cost of delivering the site in a condition to enable transfer to the DfE would represent an immediate pressure on the capital budget, but this would be far less significant than these arising from the loss of the Wave funding and should be recovered in due course.

**Equality Implication: (inc. link to EqIA)**

An Equality Impact Assessment has been completed. No adverse impact on protected groups have been identified at this point.

**Legal Implications:**

Kent County Council (KCC) as the Local Authority has a duty to ensure sufficient school places are available. If this decision does not take place there will be a risk that we cannot meet our statutory duties to provide education provision.

KCC will need to give the DfE a commitment to pass over the funding.

The s106 with the developer will be varied to provide for the repayment to KCC of the costs of providing access and utilities to the school site, and for mitigating any issues on site which are the developer's responsibility under the s106

**Cabinet Committee recommendations and other consultation:**

The decision was considered by the Children's and Young People's Cabinet Committee on the 9<sup>th</sup> March 2021.

**Any alternatives considered:**

There are no alternatives.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer: None



19 March 2021

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**Signed**

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**Date**