

Hi George,

We provide the following clarification/commentary on the discussions that have taken place regarding the possibility of the education land at Land South of Chiswell Green Lane being utilised for SEND provision.

The appellants have raised queries on the supply of SEND places since the appeal has been submitted.

In January 2023, HCC received queries from appellant regarding needs in Hertfordshire for SEND i.e. whether there is a deficient in provision, and whether there would be an option for Chiswell Green to provide a solution to any existing deficit. In response, we referenced Special School Place Planning Strategy 2020-2023 citing *“This strategy shows there are currently three Severe Learning Difficulty (SLD) schools that are currently located in South West Herts (Appendix 2). Two have been extended in recent years with no further expansion capability and plans have been approved to increase the size of Breakspeare School by 113 places which is where the SEND contributions that requested in relation to your planning application last year will be going towards”*.

Based on the information, and provision strategy, known at this moment in time, the education land is unlikely to be considered as an option for a new SEND school. Additionally, a new Severe Learning Difficulties school would likely need to be provided on a much larger site than that proposed as a part of the appeal. The pupils who would attend a SLD school have the highest needs and require specialist equipment. It would be fair to say that significant feasibility work would be required to explore such an option. Details of size requirements for Primary schools and SEND schools can be found in the national guidance [Primary and secondary school design - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/primary-and-secondary-school-design). Size requirements vary between different types of SEN. For detailed requirements, the government published guidance for SEN school in [Building Bulletin 102: Designing for disabled children and children with special educational needs](#)

However, critically, the appellant proposed that the S106 agreement that would be drafted to support this application could be worded in a way that would give HCC an option to utilise the site (or part there of) to provide SEND places (either alongside, or in addition to primary places). This second use option, however likely or not it is, gives HCC flexibility on how the site could be used. This was not an option that we requested on the basis of a present need, it was an accepted offer on the basis that it does not prejudice HCC. A drafting of the legal agreement in this way would present an option that is not likely to disbenefit HCC.