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New SEND school blocked by Nimby?

12 April 2024



A group of Surrey parents say they are “devastated” and fear it is back to the drawing board after plans for a ‘much needed’ special needs school will likely be quashed.

Planning permission was approved by Mole Valley District Council (MVDC) in March 2023 for a state-run Betchwood Vale school on the site of the vacant Chalcraft Nursery and garden centre. Around 82% of kids with special educational needs and disabilities (SEND) have to commute out of the district to go to a specialist school. One mum said she covers 80 miles a day on the school run to access education for two of her children

But a single claimant took it to the High Court to challenge the procedure on the way the decision was made on two grounds: application of the environmental habitat regulations and traffic flow. The court has said the first point is valid and thrown out the second.

Using his delegated authority, the council’s Deputy Chief Executive decided not to defend the legal challenge, asking the court to quash the decision, given the legal costs.

Originally scheduled to open in September 2023, parents say they were thrilled to think there might ‘finally be a school locally’ to cater for their needs.

Elizabeth Marett, mum and campaigner for the school, told the Local Democracy Reporting Service that she feels education for disabled children is not being prioritised. She said: “I am disappointed, angry and upset with the local residents who have taken it upon themselves to oppose the schools because they are essentially saying the education of disabled children is unimportant.”

“There are children who need schools, and if this isn’t built, their future is very bleak. Is there any way we can convince these people that what they’re doing is really damaging for the local children of the future? These schools are hard to come by. There are so many children in the county that need to go to this school.” Other parents called it a “bitter blow” to the SEND community.

Elizabeth said some children in her son’s class “have nowhere else to go” as mainstream school is not possible for children with anxiety and complex needs.

Betchwood Vale school is likely to be for high-functioning autistic children, who do not have other learning disabilities, if it goes ahead. It would teach children between seven and 19 years old, providing places for around 60 pupil in its first year and going up to 180 children over a few years.

Currently, more than 100 autistic children who live in Mole Valley and require a specialist place go to school out of their district, meaning they spend a long time every day travelling large distances between home and school.

One mum said she covers 80 miles a day on the school run to access education for two of her children whilst another is transported 22 miles in the opposite direction.

Fighting against the application in the planning meeting (March 2023) was an unofficial group called Ladyegate Road Residents Association Ltd (LRRA). The group, named after a private road near the site, objected to the application because of the adverse impact on traffic flow and approach to Dorking, the negative effect on biodiversity and that no alternative options have been investigated for the site.

Planning documents reveal Surrey County Council (SCC) Highways warned of “minor” impacts to traffic on the A25 junctions as a result of the proposed school. It also added conditions of improving vehicle access on nearby Punchbowl Lane.

Cllr Joanna Slater (Conservative for Leatherhead South) said: “What is also troubling is that this has happened completely behind the scenes. Councillors did not know.”

The council’s Development Management Committee (DMC) meeting on 3 April heard that the team claim they were not informed of the SEND school decision being changed or is likely to change. A spokesperson for MVDC said it is not “unusual practice” for a decision to be taken by a senior officer under delegated authority. They said all local ward members were kept updated in the proceedings.

Cllr Slater added: “At best this is a delay to the SEND school opening. At worst, it will result in the whole project failing as the budget for planning permission has been spent.”

Clare Curran, Lead Cabinet Member for Children and Families at SCC, said: “We are disappointed with Mole Valley’s decision not to defend the judicial review. The proposed Betchwood Vale Academy is critical to achieving Surrey’s ambition that autistic children are educated closer to home.”

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SCC have promised to deliver 2,440 permanent additional specialist school places in Surrey between 2019 – 2026 to create capacity for 5,760 planned places by 2030/31.

SCC said it has been advised by the Department of Education of their ongoing commitment to deliver Betchwood Vale Academy in full once a positive planning application has been confirmed.

A Mole Valley spokesperson said: “We are working as quickly as possible to get a decision from the Court. Once that is made, we will reconsult on the planning application and soon after – return the application to the Development Management Committee to make the planning decision.”

It added: “This will allow us to ensure that there is no future potential for legal challenge and that once a new decision is made, if it is to again approve the application, then the delivery of the school can start swiftly.”

The Department of Education has been contacted for comment.

The Ladyegate Road Residents Association is not an official body. The Local Democracy Reporting Service (LDRS) tried to contact the group for additional comment but was unable to do so.

Related report:

Surrey to SEND £40m for special schools

Image: Betchwood Vale SEND school plan. From Design and Access statement. Credit: Jestico + Whiles Associates Ltd.

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