

Technical Appendix: Education Inclusion Early Years and SEND

How to Use This Technical Appendix

West Sussex County Council are responsible for ensuring the provision of a range of different council services and may seek a combination of financial contributions, land reservation, or facilities from a proposed development. This is to help meet the demand new developments place on service provision.

The Technical Appendices support the Planning Obligations Guide to Developer Infrastructure Contributions by outlining how contributions may be sought from new development on a service-by-service basis.

1. Service Overview

- 1.1 The County Council (the Council), as Local Education Authority, has the statutory duty to make education provision for each young person. It is responsible for the overall commissioning of school places and to ensure there are sufficient places both in mainstream and specialist facilities to cater for all children in their area whose parents request a place. The duty applies across all schools and includes Academies. Therefore, although new schools maybe established as Free Schools, or Academies, the statutory duty for planning provision remains with the local authority.
- 1.2 The Council acts as a commissioner of education rather than a provider of new schools. It has the statutory duty to make education provision available for each pupil, and provide a school place for each child, within the local catchment area where possible.
- 1.3 We are responsible for:
 - 0–4 'early years' in which private, voluntary, and independent playgroups and nursery schools are the main providers;
 - 4–18 year olds there is a duty to provide education (post 16 education can be a student placement, apprenticeship etc. not necessarily in a school setting);
 - 0–25 year olds for Special Education Needs and Disabilities (SEND) there is a duty to provide education.
- 1.4 In order fulfil its duty to secure sufficient school places in its area, ensuring that every child has access to a school place. The Council fulfils its responsibilities by:
 - forecasting and analysing short-term demand for school places in order to identify an appropriate balance between supply and demand;
 - negotiating the right number of places on an annual basis, within a diverse and varied education landscape including academies and other 'own admission authority' schools outside the Council's control;
 - undertaking longer term strategic planning to ensure sufficient education infrastructure is identified within the local plan process to meet the longer- term needs arising from proposed housing growth.

- 1.5 As the Council has the statutory responsibility to ensure that there are sufficient school places available across the county, it remains the appropriate authority to assess the requirements for school place provision for any new housing developments, be a signatory to any S106 agreement and receive the appropriate contributions.
- 1.6 Where there is housing growth, the Education Place Planning team within the Council are consulted to assess whether there are sufficient places in an appropriate location to meet the demand for school places arising from the developments. If additional places are required to accommodate pupils arising from the development, developer contributions will be requested to provide new schools and land, or expansions to existing schools, depending on the size of the housing development being provided.
- 1.7 The Council has a duty to set out the requirements for any new school needed to serve a new or growing community in order that potential providers may express interest in running that school. Where a S106 agreement provides the land and funding for a new school, the Council has no preference as to how this is delivered and will discuss with developers whether they build the school and hand it over, or whether the Council will procure the school building and then arrange any necessary leasehold transfer to the provider.
- 1.8 Further information on school place planning is available at [Planning for School Places](#).

2. Education Legislation

- 2.1 The National Planning Policy Framework (NPPF) (December 2024) sets out the importance of education facilities. At paragraph 100 it states:

“It is important that a sufficient choice of early years, school and post-16 places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive, and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

 - a) give great weight to the need to create, expand, or alter early years, schools, and post-16 facilities through the preparation of plans and decisions on applications; and
 - b) work with early years, school and post-16 promoters, delivery partners, and statutory bodies to identify and resolve key planning issues before applications are submitted.”
- 2.2 The Planning Practice Guidance (PPG) provides advice on how Local Planning Authorities (LPAs) should prepare plans to take account of education requirements. The current guidance (2024) emphasises that Local Plans should support the efficient delivery, expansion, and adaptation of high-quality schools, ensuring that sufficient school places are available to meet needs arising from new development. This includes using evidence such as pupil yield and planning for all education phases, including early years, post-16 provision, and special educational needs, within a broader framework of infrastructure planning

3. Assessing Need and Calculating Contributions

- 3.1 Where there is insufficient capacity in existing local schools, or where demand is projected to exceed supply as a result of growth from new housing, the county council will seek planning obligations to mitigate the impact of development. Developer contributions towards new school places should provide both funding for construction and land where applicable.
- 3.2 In assessing this need, in accordance with the PPG, the Council applies a countywide calculation of the number of pupils expected to occur based on the additional population likely to come from the proposed development.
- 3.3 Further explanations and calculations for education contributions are set out in [Planning Obligations: Explaining Contributions Calculations](#).

4. Special Educational Needs and Disability (SEND)

- 4.1 A document outlining the calculations used for SEND can be found on the County Council's website: [SEND and Inclusion developers contributions and requirements](#). The request for contribution is not subject to analysis of capacity within a geographical area i.e. in the area where the development is located. The pattern of provision across the County often involves pupils travelling a significant distance in order to access the most appropriate place to suit their needs.
- 4.2 For the purposes of seeking a contribution to SEND education provision, these will be combined to represent the proportion of the pupil population within special schools and special resourced provision known locally as Special Support Centre Provision (SSC).
- 4.3 SSCs are usually additional classroom provision within mainstream schools.

5. Expansion of Existing Schools

- 5.1 Work required to accommodate additional children in existing schools will vary and therefore developer contributions to enable the provision of additional capacity at a school could be used to fund a range of capital works i.e. additional classrooms, staff space, group space, hall, or sports area, etc.
- 5.2 The [WSCC calculator](#) is used for smaller developments where contributions are sought for the improvement and expansion of **existing** schools.
- 5.3 Strategic developments with pupil numbers greater than the local schools have capacity to take or expand to, are subject to bespoke requirements, as outlined below.

6. New Schools

- 6.1 As a general rule, when considering the need for a new school, the County works on the basis of a minimum of 2 FE (420 places) at primary level, and 6 FE (900 places) at secondary level. Our policies for admission of pupils to schools aim to ensure that parents can normally expect places for their children at the schools serving the area in which they live.

- 6.2 Where there is insufficient capacity in existing local schools, or where demand is projected to exceed supply as a result of growth from new housing, the Council will seek planning obligations to mitigate the impact of development.
- 6.3 When assessing the site requirement for any new school, the County Council will take a lead from the guidelines set out in the relevant Department of Education Building Bulletin (currently BB103). The Council would expect any new school facilities to align with BB103 floor area guidelines, as well as taking account of the particularities of the proposal in question.
- 6.4 If developers are liaising with the Education School Place Planning Team they will provide information on what is required for a proposed school site e.g. flat land, no contamination. Forms A and B should be completed by the developer to aid negotiations and inform any planning obligations. These are included on the website for information.
- 6.5 Reference should also be made to DfE's [School and College Design & Construction](#) guidance.

7. School Site Areas

- 7.1 The Education and Skills Funding Agency currently looks to establish two form entry (FE) primary schools, to ensure financial viability. When considering new primary school sites an area of 2.4 ha (to include Early Years and SEND provision) will usually be sought as a minimum. This is in line with Department for Education guidance set out in BB103 and also provides space for Early Years and SEND facilities.
- 7.2 Approximately 420 primary aged pupils is the number likely to be generated by approximately 1,400 new houses or a mixed development of approaching 2,000 dwellings. However, it must be recognised that if suitable existing local schools cannot be expanded, a new school may become necessary to cater for a lower number of new homes. If the site is mitigating 1.5 FE contributions to the .5 will come from CIL or other funding.
- 7.3 Generally, secondary schools accommodate at least 600 pupils or four forms of entry (one form of entry = five age groups x thirty per class). However, larger schools are:
- able to offer a wider curriculum to their community;
 - cheaper to build on a per place basis;
 - more resilient to fluctuations in demand that could challenge financial viability.
- 7.4 For these reasons we will look to establish a new school only where demand for six forms or more of entry has been established (from approximately 4,500 new or existing houses).
- 7.5 On occasions it might be requested that additional land is set aside to future proof the new school site and allow for its potential expansion. If not required, this will be returned to the developer (within 10 years) for potential redevelopment. It is advised that any masterplan should include some flexibility to enable this.

Primary School	Net Capacity	Land Area (ha)
1FE	210	1.2
1FE plus 2 FE core	210	2.1
2 FE	420	2.1
2 FE plus 3 FE core	420	2.9
3 FE	630	2.9

Secondary Schools	Net Capacity	Land Area (ha)
6 FE	900	6.8
6 FE plus 8 FE core	900	8.7
8 FE	1,200	8.7
8 FE plus 10 FE core	1,200	10.6
10 FE	1,500	10.6

Note: 1 Form Entry (FE) is below the size which DfE suggests is viable, so generally a new school will be 2FE. For Primary – minimum sizes, range indicates whether or not Early Years provision is made on-site.

8. Early Years Development

- 8.1 The Council has a lead role in facilitating the local childcare market within the broader framework of shaping children’s services in partnership with the private, voluntary, and independent sector. One of its key duties is to make sure that there are enough flexible childcare places to meet the free entitlement available for local children aged 3 and 4 years, and 2 year olds from economically disadvantaged families.
- 8.2 Childcare in West Sussex is principally delivered through day nurseries and pre-school playgroups, which provide full and sessional day care. Other local options include childminders, nursery classes within independent schools, and privately operated nurseries.
- 8.3 Residential development creates demand for local pre-school childcare places. Where this adversely impacts on the ability of the existing local childcare market to provide a reasonable and flexible offer for parents, the Council will seek developer contributions to resolve this.
- 8.4 This funding will be used to increase capacity. Funds may be channelled into supporting the expansion of an existing facility – such as an extension or re-location to new, larger premises; increasing opening days/hours; or increasing places through additional or more efficient and adaptable equipment, or training.
- 8.5 Larger developments might reasonably require the provision of land and funding towards the construction of new pre-school childcare facilities. Where a new primary school is being provided, there is an assumption that it will include a pre-school/nursery.
- 8.6 Further information can be found in the early years document – [Childcare Sufficiency - demand for childcare](#).

9. Triggering Delivery of a School

- 9.0 Developer contributions towards new school places should provide both funding for construction and land where applicable. If the developer is providing the school for handover there will be different trigger dates within the S106.
- 9.1 In general, if the developer is funding construction of the new education provision it is generally required at the 50% of development stage i.e. for 1,000 homes at the 500th unit. If the land and financial contributions are being transferred to the Council to construct the school this may be required sooner. Negotiations on the trigger points within the S106 will be determined by the current capacity within the existing education provision the development is most likely to impact.
- 9.2 **Safeguarding land for schools:** The NPPG advises local authorities on how they should prepare plans and take account of education requirements. As West Sussex is a two-tier authority, the County Council cannot allocate land in a development plan. District and Borough Councils within West Sussex are encouraged to safeguarding land for education uses as part of their local plan allocations.
- 9.3 Additional guidance is provided in '[Securing developer contributions for education](#)' paras 52-58 (Department for Education, 2023).

10. 10. Indexation

- 10.1 To ensure financial contributions continue to cover the actual cost of delivering infrastructure, these will be subject to indexation. WSCC will apply the BCIS All-In Tender Price Index (TPI), based on the date at which the contribution has been calculated.

11. Time Limit on Spend

- 11.1 The Council will request that any planning obligation is held for a minimum of 10 years from the date of final payment to allow enough time for the contribution to be spent and, where appropriate, pooled with other contributions towards larger school projects that are designed to meet the needs of several developments within an area. This approach is recommended by the DfE's August 2023 Guidance, [Securing Developer Contributions for Education](#).
- 11.2 Any contributions will be repaid to the original payee on request if not committed or spent towards its purpose within 10 years of receipt of the contributions in full (if paid in instalments) or alternative longer period as may be agreed.