

West Sussex County Council: SEND Developer Contribution Requirements as a Statutory Education Provider

Key Points

- In West Sussex, 4.7% of pupils aged 2-18 have an Education, Health & Care Plan (EHCP) (Oct 2024).
- 48% of these pupils (2.22% of all pupils within West Sussex), have needs that cannot be met within mainstream provision (Oct 2024) and are educated in a combination of maintained Special Schools, Specialist Support Centres, Independent or non-maintained schools, West Sussex Alternative Provision College, Independent Alternative Provision or are being supported in mainstream school with additional funding whilst a specialist placement is being sought for them. The expectation is that all these pupils should have access to maintained specialist provision.
- Due to complex Special Educational Needs and Disabilities (SEND) and the need for personalised curriculums, some pupils travel across West Sussex to attend a school that best meets their needs. The school will be named in their EHCP (SEND Code of Practice, Children and Families Act 2014).
- Classroom space for a special school pupil is recommended to be four times the space required for a mainstream pupil (BB104).
- This document sets out contributions from all developers, regardless of the size of a development, to mitigate for the education of SEND pupils required due to housing growth.

Key Definitions:

CYP – Child and Young Person

SEND – a CYP has SEND if they have a learning difficulty and/or a disability that means they need special health and education support.

EHCP – A legal document that describes a CYP's special educational, health and social care needs. It explains the extra help that will be given to meet those needs and how that help will support the CYP to achieve what they want in their life.

BB104 – Building Bulletin – notes on area guidelines for SEND and alternative provision.

Ambulant – the definition of ambulant is someone who can move around.

Non-ambulant – describes a physical and permanent disability to such a degree that the CYP is unable to move from place to place without the aid of a wheelchair.

SSC – Specialist Support Centre. Nationally referred to as Specialist Resourced Provision.

Alternative Provision – Education provision for CYP who either cannot or do not attend a school setting for reasons such as school refusal, short or long term illness, awaiting placement in an appropriate Specialist provision.

1.0 What are developer contributions required for?

SEND developer contributions are required to provide additional school places to mitigate the impact of development, which can be through expansion of an existing facility or by establishing a new school. Only strategic sites are likely to require the provision of a new school on site. However, non-strategic

developments will cumulatively impact on demand for SEND provision within West Sussex. This will necessitate the provision of additional capacity at existing SEND provision or the creation of a new SEND provision at strategically appropriate sites in the county, depending on the level of development in any given area. West Sussex County Council will be asking for SEND developer contributions for all planning applications, regardless of the size of the development.

2.0 Special Educational Needs and Disabilities

A child or young person has a learning difficulty or disability if they:

- have a significantly greater difficulty in learning than the majority of others of the same age, or;
- have a disability which prevents or hinders him or her from making use of the facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post 16 provisions;
- for children aged 2 or more, special educational provision is educational provision that is additional to or different from that made generally for other children or young people of the same age by mainstream schools, maintained nursery schools, mainstream post 16 institutions or by relevant early years providers. For a child under 2 years of age, special educational provision means educational provision of any kind.

3.0 SEND Code of Practice: (Revised 2015) 0-25 years

Statutory guidance for organisations that work with and support children and young people who have special education needs or disabilities – **Part 3 Children’s & Families Act 2014**

There are four broad areas of need that SEND falls under, but many children and young people have needs that cut across more than one area:

□ **Communication and interaction** where children and young people may have difficulty in communicating, understanding what is being said to them or not understand or use social rules of communication. This includes children and young people with Autistic Spectrum Condition (ASC, including Asperger’s Syndrome and Autism) which also impacts on how they relate to others;

□ **Cognition and Learning** including moderate learning difficulties (MLD) and severe learning difficulties (SLD), where children and young people are likely to need support in all areas of the curriculum, and with mobility and communication; and profound and multiple learning difficulties (PMLD) where children and young people are likely to have very complex learning needs as well as a physical disability or sensory impairment. Many will also have medical needs. This area also includes specific learning difficulties which includes dyslexia, dyspraxia and dyscalculia;

□ **Social, Emotional and Mental Health Difficulties (SEMH)** which includes children and young people who become isolated or withdrawn, as well as those displaying challenging, disruptive or disturbing behaviour. These behaviours may reflect underlying mental health difficulties such as anxiety or depression, self-harming, substance misuse, eating disorders or disorders such as Attention Deficit Disorder, Attention Deficit Hyperactivity Disorder or Attachment Disorder;

□ **Sensory and/or physical needs** which include visual impairment, hearing impairment or a multi-sensory impairment, all of which will require specialist support and / or equipment to access their learning or suitable support. Some children with physical disabilities will require ongoing support and equipment to access all the opportunities available to their peers.

4.0 Background Information

In West Sussex, most children and young people with special educational needs and/or disabilities will have their needs met in a mainstream school, early years setting or college. Some will need a higher level of additional support specified within an EHCP, and a proportion of these will need their education in a Special School or Specialist Support Centre (SSC) attached to a mainstream school (currently 48% of pupils with an EHCP within West Sussex attend an SSC or special school). In addition, some pupils (with and without an EHCP), who present with needs that are challenging and/or are awaiting a placement in a Specialist setting, will require their education to be provided through the West Sussex Alternative Provision Offer (nationally referred to as Pupil Referral Units) or through Independent Alternative Provision arrangements, both of which can deliver a bespoke curriculum. 12% of our CYP with an EHCP are placed within Independent or Non-Maintained schools (INMS), this is due to a lack of placements within our Maintained Special Schools, parental requests for specific high-cost placements and tribunal decisions to support parental preferences. In addition there is a small number of CYP with a EHCP (0.7%) that access their education through formal EOTAS (Education Otherwise than at School) arrangements. The cost of a maintained specialist school placement is on average four times the cost of a maintained mainstream school placement. The cost of an INMS placement is on average three times the cost of a maintained specialist school placement.

Nationally, since 2014, there has been a significant increase in the number of CYP with EHCPs or Statements of SEN.

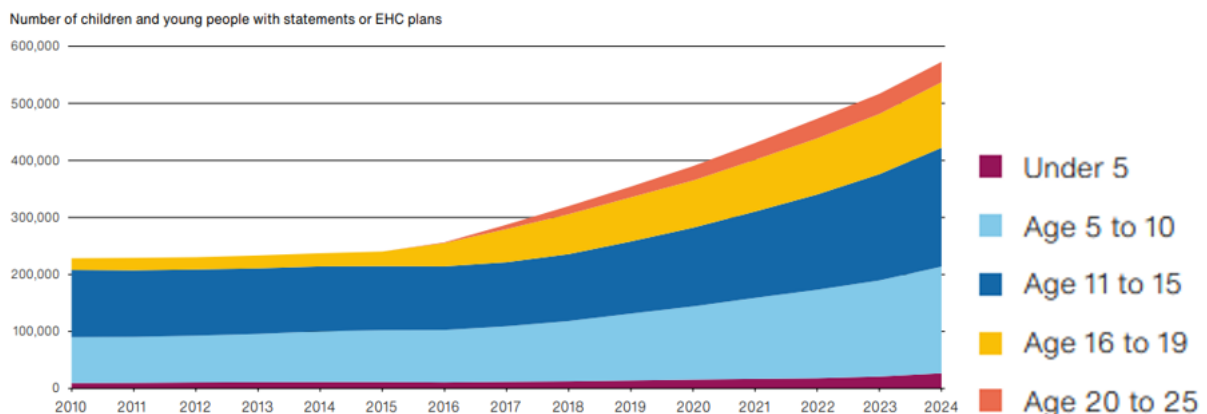


Chart showing the trend between 2009/10 and 2023/24 in numbers of CYP EHCPs broken down by age range (Source: SEN2 data) from Towards an effective and financially sustainable approach to SEND in England

West Sussex has seen an upward trend in new EHCPs that is consistent with the national trend, which has been accompanied by a similarly steep increase in the number of pupils being placed in or requiring a placement in a specialist setting.

We know that 48% of pupils with an EHCP in West Sussex, have needs that cannot be met within mainstream provision. There is no clear correlation between the increase in EHCPs and levels of affluence/deprivation, geography or size.

4.1

Continuing population growth has put pressure on current specialist provision, with our maintained Special Schools currently operating at 117% occupancy as of October 2024. We also have a deficit of Maintained specialist provision across the whole of West Sussex equating to approximately 300-400 CYP that should be placed in a specialist placement. We are working towards securing funding and implementing a series of SEND Projects through our SEND Strategic Outline Case over the next 5 years. Any new housing will increase the demand on SEND provision in West Sussex

4.2

It is reasonable and fair to seek developer contributions for SEND provision related to pupils requiring placement in a specialist school, SSC, alternative provision or enhanced provision in direct proportion to the expected needs arising from new housing.

4.3

Due to the specialist nature of West Sussex Special Schools and SSCs, and the need for them to be of sufficient size to efficiently deliver a broad and specialist personalised curriculum, they draw pupils from across the county. Consequently, standard travel distances to specialist provisions are not relevant when considering the impact of a development on Special Schools and SSC's; instead there is a countywide solution for accommodating their education. The County Council will not know the needs of pupils moving into new developments until they have moved in. For that reason, there is a need to ensure that specialist provision to meet a variety of needs is available across the whole county in order to respond to these needs. Currently the Department for Education sets guidelines that the maximum journey time for child of primary school age should be 45 minutes each way, and 75 minutes each way for a child of secondary school age.

5.0 Calculation of Contributions for the Provision of Special School Places

Special school provision including SSC's located in mainstream facilities across the County are already at capacity. Contributions will be pooled to improve or enhance facilities at the most appropriate school or centre. Improved/new facilities to support the needs of learners with EHCPs may not be located in the same geographical location as the new development. This is because consideration will need to be given to the overall range of need across a number of geographical areas and the most sensible distribution of specialist placements to meet the potential range of needs.

A summary of projects that the County Council is planning to implement to meet the range of SEND need across the county will be published annually as part of the planning School Placements document.

[Planning school places - West Sussex County Council](#)

The yield from a new development would be calculated as shown below and compared with the places available.

6.0 BB104 - How SEND impacts on area

Special schools, SSC's and AP all require more area per pupil place than mainstream schools because:

- Pupils are taught in smaller groups, averaging around 8 to 12 and as low as 4 to 6 where pupils need extensive support;
- Staff to pupil ratios are higher, particularly in a special school where 2 or 3 teaching assistants or support staff work alongside the teacher or give support in a separate space;
- Multi-agency meetings are common during the school day requiring confidential meeting rooms (these can involve several people in special schools).

6.1 These areas can also be used for the delivery of individual intervention and therapy sessions. The following apply in some settings:

- Pupils who use wheelchairs or other mobility aids need more movement space and space to store their equipment when not in use (some pupils may use up to three different pieces of mobility equipment during the school day for medical and functional reasons);
- Disabled pupils need facilities for physiotherapy (which can require specialist equipment such as a hoist) as well as specialist changing facilities;
- Pupils who can become over stimulated or are easily agitated often need more personal space around them;
- Pupils in special schools and AP may need individual teaching, counselling and therapy, requiring a range of small spaces;
- Visiting professionals, such as speech and language therapists, need access to a desk space and storage in addition to the teaching areas;
- Recommended area of 42-52m² for 8 (severe social emotional and mental health SEMH), 44-53m² for 6 (severe autism), 49-56m² for 12 (ambulant), 58-66m² for 6 (non-ambulant), 28-33m² for 8 (health), 37-42m² for 8 (behaviour) (BB104);
- In special schools, it is recommended that there is 1 small group room per 3 classrooms.

This area need is over and above the space allowed in Building Bulletin 103 for mainstream schools. Special schools, SSC's and AP all require more area per pupil place than mainstream schools. These are divided into two areas; 'Ambulant' and 'Non-ambulant'.

7.0 Ambulant

Special schools typically provide for one of the following:

- A range of predominantly ambulant needs MLD, SLD and autism, with pupils taught together in groups of 8 to 12; there are often a few places for pupils with greater needs such as those associated with severe autism or social

emotional and mental health difficulties who are taught in smaller groups with a higher staff to pupil ratio;

- Severe SEMH difficulties where pupils require greater personal space to avoid conflict and have the capability to follow a curriculum similar to mainstream; pupils are taught in groups of 6 to 8;
- Significant difficulties associated with autism (ASD) where pupils require greater personal space and high levels of adult supervision, pupils are taught in groups of 6 to 8.

8.0 Non-ambulant

Special schools typically provide for one of the following:

- A broad range of needs with 10% to 60% of pupils being non-ambulant (requiring specialist equipment and facilities); pupils with MLD, SLD/autism are taught in groups of 8 to 10 and pupils with Profound and Multiple Learning Difficulties or severe autism are taught in groups of 4 to 6;
- A broad range of needs with 60% to 90%+ of pupils being non-ambulant (requiring specialist equipment and facilities); pupils are taught in groups of 4 to 6.

9.0 Special School Class Grouping

In special schools there is often more flexibility across the key stages than in mainstream schools. Where a special school caters for a broad range of needs, pupils are likely to be grouped to suit their needs. For example, those with profound learning difficulties, who need intensive stimulation, are likely to be grouped separately from pupils with autism, who need low sensory stimulus. Pupils who present with boisterous or aggressive behaviours may at times be taught separately from those who are vulnerable.

10.0 Special School Space Requirements

Special schools require more space per pupil than mainstream schools, and this should be reflected in the assumed costs of provision. Developer contributions for special or alternative provision places are set at four times the cost of mainstream places, consistent with the space standards in Building Bulletin 104 (2015).

[Building Bulletin 104 - Area Guidelines for SEND and Alternate Provision](#)

11.0 Edge Analytics SEND

WSSC uses a reporting and forecasting tool which considers the current and future balance between SEND need and SEND education services across the county. This tool will be used to support securing developer contributions.

12.0 SEND Yield Rates

Average Yields

School Type West Sussex CC	Child Product (Census Data 2021 Office for National Statistics)
Primary (4-11)	19 per 100 dwellings
Secondary (11-16)	16 per 100 dwellings
Post 16	5 per 100 dwellings

Number of dwellings	Number of primary age pupils	Number of secondary age pupils	Number of Post 16 age pupils	Primary, Secondary and Post 16 pupils	Total Number of statutory school aged pupils with an EHCP (value x 4.7%)	Number of SEND pupils requiring specialist provision (48% from Total Number of SEND pupils)
100	19	16	5	40	2	1
500	95	80	25	200	9	5
600	114	96	30	240	11	6
700	133	112	35	280	13	7
800	152	128	40	320	15	8
900	171	144	45	360	17	9
1000	190	160	50	400	19	10

(Figures for SEND pupils are rounded up for large sites to whole pupil numbers)

13.0 Strategic Sites – over 100 dwellings

Strategic developments which will create a need for 1 or more pupils requiring specialist provision are based on costs to deliver new facilities in West Sussex, based on predicted costs for 2021 and include construction, professional fees, furniture, equipment and ICT but exclude the cost of legal and financial fees and charges, land purchases, wayleaves and licences, infrastructure costs outside the site boundary, site abnormalities / demolition and VAT. For a standalone SEND school, costs and building areas are based on;

- An ambulant primary school for 60 on roll, at a cost of £151,000 per pupil
- An ambulant secondary school for 60 on roll, at a cost of £177,000 per pupil

13.1 Scenario 1 Large site

1000 new dwellings = 190 primary pupils, 160 secondary pupils and 50 post 16 pupils

19 SEND pupils = 10 requiring special school or SSC placement (5 primary, 5 secondary/Post 16)

Cost per primary pupil place (SEND) = £151,000

Cost per secondary/Post 16 placement (SEND) = £177,000
 $£151,000 \times 5 = £755,000$
 $£177,000 \times 5 = £885,000$
 Total = £1,604,000

14.0 SEND Cost Multiplier where there are less than 100 dwellings

A pupil in a special school requires four times the space of a pupil in a mainstream school. Therefore, the cost of providing a special school place is expected to be four times the cost of providing mainstream provision.

DfE Scorecard 2022/23* cost multipliers per pupil place for SEND provision:

School Type	Cost Multiplier	SEND	Cost
Primary	£22,587 per child	X4	£90,348
Secondary	£31,066 per child	X4	£124,264
Sixth Form places (not provided by DfE, therefore use the cost of Secondary)	£31,066 per child	X4	£124,264

*DfE Scorecard 2022/23 subject to increase once updated figures from DfE are released

14.1 Scenario 2 smaller scale site where percentage mitigation costs will be required.

25 dwellings = 5 primary pupils, 4 secondary pupils and 1 post 16 pupil
 0.5 SEND pupils = 0.24 requiring special school or SSC placement (0.11 primary, 0.13 secondary/post 16)
 Average cost per primary pupil place (SEND) = £90,348
 Average cost per secondary/Post 16 placement (SEND) = £124,264
 $£90,348 \times 0.11 = £9,938$
 $£124,264 \times 0.13 = £16,154$
 Total = £26,092

Cost calculator link: [Section 106: Planning obligations - West Sussex County Council](#)
15.0 Community Infrastructure Levy (CIL) Regulations (SI 2010/948) as amended

Planning obligations assist in mitigating the impact of developments. In simple terms, planning obligations must meet the following tests:

- necessary to make the development acceptable in planning terms
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development

In order for the SEND contributions to comply with CIL regulations it needs to be assigned to a specific project or pooled with other projects. Specialist provisions do not have catchment areas in the same way mainstream primary and secondary have and therefore contributions may be used to meet SEND requirements outside of defined West Sussex planning areas.

16.0 How SEND contributions will be spent

Developer contributions will be spent locally where possible to increase provision for SEND children either within mainstream SSC's or specialist provisions. WSCC SEND Developer Contribution Requirements as a Statutory Education Provider September 2025

However, as already highlighted, SEND children attend provisions based on need not locality. This often means increased travel across the county. For example; currently one of the main areas of growing need is SEMH (Social, Emotional and Mental Health). West Sussex has three SEMH Special Schools that are based in the south (Littlehampton), south west (Compton) and east (Haywards Heath) of the county. Therefore, a variety of specialist provision across West Sussex is required to meet the range of needs effectively. As a result, the development of specialist provision may be outside of the existing planning area that is contributing the SEND resource.

References

Towards an effective and financially sustainable approach to SEND in England: An independent report by ISOS Partnership commissioned by The County Councils Network & Local Government Association – July 2024

Local area Special Educational Needs and Disabilities report for West Sussex: Written by SEND Research from Department for Education, LG Inform – August 2024

WSSCC Planning Obligations [Section 106: Planning obligations - West Sussex County Council](#)

School Census October 2024

Securing developer contributions for Education November 2019 – DfE November 2019 [Securing development contributions Department for Education 2019](#)

National School Delivery Cost Benchmarking – Primary, Secondary & SEND Schools – Hampshire CC / East Riding of Yorkshire CC / DfE – June 2019 v6

[National school delivery cost benchmarking Department for Education 2019](#)

DfE Travel to school for children of compulsory school age: Statutory guidance for local authorities – January 2024

Area guidelines for SEND and alternative provision – Including special schools, alternative provision, specially resourced provision and units – DfE BB 104 - December 2015

[Special educational needs and disability building bulletin 104](#)

SEND Code of Practice: (Revised 2015) 0-25 years Statutory guidance for organisations that work with and support children and young people who have special education; needs or disabilities – Part 3 Children's & Families Act 2014

[Special educational needs and disability code of practice](#)

Schools, pupils and their characteristics: January 2019 (Department for Education)

[Schools, pupils and their characteristics department for education 2019](#)

WSSCC SEND Developer Contribution Requirements as a Statutory Education Provider September 2025

Support for children and young people with special education needs: National Audit Office - 24th October 2024

Contact

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