

Technical Appendix 4: Education Special Schools and Specialist Provision



1.0 Service Overview

- 1.1 The county council has a duty to promote high standards of education, fair access to education and a general duty to secure the sufficiency of school places. It must consider the need to secure provision for children with Special Educational Needs and Disabilities (SEND), including the duty to respond to parents' representations about school provision.
- 1.2 A child or young person has special educational needs if they have a learning difficulty or disability which calls for special educational provision to be made for him or her. A child of compulsory school age or young person has a learning difficulty or disability if he or she:
- Has a significantly greater difficulty in learning than the majority of others of the same age, or
 - Has 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 institutions.
- 1.3 A child under compulsory school age has a learning difficulty or disability if he or she is likely to meet these criteria when of compulsory school age (or would be likely if no special educational provision were made).
- 1.4 Special educational provision, for a child aged two or more or a young person, means education or training provision that is additional to or different from that made generally for other children or young people of the same age by mainstream schools and 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.

- 1.5 There are four broad areas of SEND, although many children and young people have needs that cut across more than one of the following areas of need:
- Communication and interaction
 - Cognition and Learning
 - Social, Emotional and Mental Health Difficulties
 - Sensory and/or physical needs
- 1.6 Children in Hertfordshire with SEND have their needs met within a range of inclusive provision. Most children will be accommodated within mainstream schools with additional support. However, some children will need intensive support in a smaller environment and will be supported at specialist provision, including for example specialist resource provision (SRP), Alternative Provision (AP), Education Support Centres (ESCs) and Primary Support Bases (PSBs). Others will need a special school place.
- 1.7 More information on the county council's SEND strategy can be found on our website at: www.hertfordshire.gov.uk/SEND

2.0 Assessing need and calculating contributions

- 2.1 Hertfordshire has developed a short-term forecasting methodology for special schools based on analysis of placements and demand. Where it can be demonstrated that existing capacity is unable to mitigate the impact of development, the county council will seek to secure planning obligations to create additional provision, whether through the expansion of existing or the creation of new provision.

2.2 Department for Education (DfE) guidance¹ advises that it is reasonable to seek developer contributions for SEND provision in direct proportion to the needs arising from a housing development. This includes pupils requiring provision in a special school, specialist provision in a mainstream school or alternative provision including pupil referral units (known as education support centres or ESCs in Hertfordshire).

2.3 The potential SEND pupil yield from an individual development site is assessed using a SEND model, embedded with the county council's existing Hertfordshire Demographic Model, which projects the average number of children needing specialist provision that may emerge from different types of dwelling over time. This informs an assessment of the planning obligations necessary to mitigate the impact of a development site. The model is based on observed yields from new developments in Hertfordshire, which have been assessed as part of the county council's detailed Pupil Yield Study² (PYS).

2.4 The SEND education model does not include potential pupil yield from those pupils with SEND who are accommodated within a mainstream school with additional support. An allowance for these pupils is included in the pupil yield calculations for, and contributions sought towards, mainstream education.

Per-Place Cost Calculations

2.5 The cost of SEND specialist provision places are, for the majority of projects, four times the national average cost for the relevant mainstream places, published by the DfE in its local authority scorecards, consistent with the additional space requirements

in Building Bulletin 104. These per-place rates are adjusted to reflect the cost associated with achieving the sustainability and design standards set out in the updated DfE School Output Specification, but which are not yet reflected in the scorecard values³. This uplift⁴ will be reviewed and updated as appropriate following the DfE's annual data release and/or any updates to its suite of school specification documents.

2.6 However, where it can be evidenced that the cost to deliver the project is greater than the average scorecard-based cost, such as projects with significant abnormal costs due to planning, highways and/or construction constraints, the county council will use modified per-place costs based on the actual estimated cost of the scheme.

2.7 These per-place costs (modified and adjusted as necessary) are combined with development-specific pupil projections from the model, to ensure that obligations sought are fair and reasonable, based on the number and type of dwellings on an individual site.

2.8 Alternatively, where the cost to deliver a project based on standard SEND class sizes is expected to be in excess of the funds which would otherwise be achieved through the application of standard scorecard-based per-place charges, and the development would be unacceptable without mitigation, then the full estimated cost⁵ of delivering the identified project, including purchasing additional land to do so, may be sought from the developer.

2.9 The county council will specify the date to which costs have been based (e.g. 1st quarter 2024) to allow future indexation against

¹ [DfE - Securing developer contributions for education \(August 2023\)](#)

² [Further information regarding the PYS is available on the county council's website.](#)

³ [The DfE's scorecard costs are currently based on reported projects between 2015/16 and 2017/18.](#)

⁴ [The adjustment currently follows the current DfE approach to its basic need funding allocations to Local Authorities: the rate per place has been uplifted by 10%.](#)

⁵ [The estimated cost in this scenario could be either scorecard-based or bespoke.](#)

the Building Cost Information Service (BCIS) All-In Tender Price of Index (TPI) and BCIS Regional TPI.

Securing Additional Land for Projects

2.10 An individual development is unlikely to be required to provide a whole new SEND school to make it acceptable in planning terms, but land may be required to deliver new provision to serve a wider or strategic need. Funding for the remaining school site (beyond the proportional contribution from the development under consideration) would be expected to be met by other developments coming forward in the wider area. The county council would expect such additional land to be designated specifically for education use within the local plan and would usually have no prospect of achieving planning permission for any other uses. The county council would therefore expect the land to be at a cost which reflected its intended use for education.

2.11 Where land is required to deliver a scheme to provide additional places, the land costs will be added to the per-place construction contribution as calculated above. A representative proportion of land costs will be added where multiple developments are being mitigated by a single additional place scheme.

Indicative Education Contributions

2.12 The following tables show indicative contributions for a new build project, by dwelling type⁶, which might be sought from development sites. The contributions sought from each type of dwelling is in line with the projected average pupil yield from

⁶ The indicative costs are not currently weighted according to different tenures and bed-sizes. However, once the PYS is complete this information will be incorporated into the cost calculation.

⁷ BCIS All-In TPI, value 390.

⁸ Construction costs include fit out, furniture and equipment and ICT, as well as all fees associated with the project.

it, which in turn dictates the number of additional SEND places which will be needed to mitigate a particular development.

Indicative Cost Tables by Phase of Education

SEND: Primary

	HOUSES	FLATS
All Bed Sizes & Tenures		
County	£ 820.53	£335.82

SEND: Secondary

	HOUSES	FLATS
All Bed Sizes & Tenures		
County	£1,128.39	£ 332.87

2.13 All costs shown above are as at 1Q2024⁷.

2.14 Both tables shown above relate only to construction⁸ and do not make any allowances for land requirements. Where additional land is required to allow the delivery of a SEND project, the cost (or the relevant proportion of the cost) of the land will be added to the pupil place-led costs illustrated in the tables above. The tables are based on the cost of providing a new school. Contributions sought towards expansion of existing schools may be lower. Conversely, where abnormal site features or design requirements for a particular project mean that the cost of mitigating development is higher than standard, the amount charged may be increased proportionally.

2.15 The indicative tables above are included as a guide to help inform viability assessments and financial planning; the actual contribution for each development site will be calculated individually once a planning application has been made.

3.0 Assigning contributions towards projects

- 3.1 Due the specialist nature of Hertfordshire Special Schools and Specialist Provision and the need for them to be of sufficient size to efficiently deliver a broad and specialist personalised curriculum, they draw pupils from beyond their immediate locality. The DfE's guidance confirms that travel distances to special schools and specialist provision should not affect consideration of whether a planning obligation meets the legal tests.
- 3.2 The potential SEND pupil yield for a particular development is not required to be disaggregated between different categories of complex need. The county council may therefore seek to apply the full SEND contribution from a particular development to a single SEND project covering the relevant age range. However, in some cases flexibility will be sought to allow contributions to be appropriately directed to a range of SEND projects. The projects that contributions are secured for and subsequently used to fund will match those prioritised in the county council's SEND Strategy⁹ and future updates of the existing strategy.

⁹. [HCC SEND Strategy 2022-2025](#)