Education Services

Developers' Guide to Contributions for Education and Early Years Provision April 2025

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1. Local Authority Responsibilities

Warwickshire County Council (WCC) has a statutory responsibility under the Education Act 1996 to secure sufficient primary, secondary and post-16 education to meet the needs of the population in its area.

The Childcare Act 2006 places a range of duties on local authorities regarding the provision of sufficient, sustainable and flexible childcare including for children younger than school age (Early Years provision).

The statutory duties comprise:

- Early Years: All 3 and 4 year olds, eligible working parents of children from 9 months to 2 years olds and disadvantaged 2 year olds are entitled to between 15 and 30 hours per week during school term time. Most 3 to 4 year olds with working parents are entitled to an additional 570 hours per year. The early years entitlements were extended to eligible working parents of children from 9 months from September 2024. There is also a statutory duty under the Childcare Act to secure sufficient childcare for working parents, for children aged 0 – 14
- Primary: School places for ages 4 to 11
- Secondary: School places for ages 12 to 16
- Post-16: All 17 and 18 year olds are required to continue in education or training, which includes Sixth forms and Further Education Colleges
- SEND: Ensure sufficient suitable special educational provision exists to meet the needs for Warwickshire children with special educational needs and disabilities.

The responsibility to secure sufficient education remains firmly with the local authority despite the direction of government policy towards giving schools more autonomy. As a result, all mainstream state schools including Academies and Free Schools are considered equally in WCC's planning of school places.

The Department for Education (DfE) expects local authorities to seek developer contributions towards school places, and early years provision, required to meet the need arising from development, when there are not enough places available in existing schools within a suitable distance[1] of the development.

Although developer contributions will normally be used to create additional places, contributions may also be sought to improve the efficiency of existing schools and early years environments.

[1] Walking distance defined as 2 miles safe walking route for early years and primary age children and 3 miles safe walking route for secondary age pupils, or serving the development if walking distance is not applicable

WCC aims to secure contributions for education and early years provision by means of a planning obligation under Section 106 of The Town and Country Planning Act 1990, underpinned by the following principles[2]:

- Housing development should mitigate its impact on community infrastructure, including schools
- Pupil Product Ratios (also referred to as Pupil Yields) should be based on up-to-date evidence from recent housing developments
- Developer contributions should, where possible, cover the full cost of providing the new school places required, including land where applicable, based on viability assessment when strategic plans are prepared and using up-to-date cost information
- The early delivery of new schools within strategic developments should be supported where it would not undermine the viability of the school, or of existing schools in the area.

The DfE is clear that Central Government funding does not negate the responsibility of developers to mitigate the impact of their development.

A Section 106 planning obligation secures a contribution payable to the local authority and must comply with the following tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 in order to be regarded as a material consideration in the decision whether to grant planning permission:

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development.

[2] These principles and other guidance on developer contributions is set out in the DfE guidance "Securing developer contributions for education" (August 2023).

2. How the requirement for contributions is calculated

Residential housing developments increase the population of an area and hence the demand for both early years and school places.

Demand for early years provision in an area is also generated by levels of local employment. People often prefer to arrange care for their pre-school age children close to where they work.

Developer contributions for early years and childcare are therefore sought from both residential and employment led development. Contributions for school places are required only from residential developments.

2.1 Employment Sites

Employment sites likely to generate at least 250 on-site employees will be assessed to determine whether an education contribution is required towards early years provision.

When estimating the number of early years places that a new employment proposal will require, a factor of two places per one hundred employees is used. This is based on typical take-up of on-site childcare provision on large employment sites in Warwickshire.

In the case of outline applications where the number of employees is not stated, an estimate based on floor space is made. The latest guidance on employment densities in different types of business was published, in 2015, by the Homes and Communities' Agency under the title 'Employment Density Guide (3rd Edition)'.

Example: A development expected to employ 750 staff on-site would generate the following number of children requiring a place:

750 employees X 0.02 places per employee = demand for 15 early years places.

When determining the contribution required to supply these places, existing capacity will be considered. This is determined by assessing the capacity of current providers in a two mile radius of the development site.

A contribution will be required to fund the shortfall between existing capacity and the need generated by the development.

Large employment developments will be encouraged to consider including provision of a new early years setting, to mitigate the requirement generated.

2.2 Residential developments

Appendix A provides a flow chart demonstrating the methodology used by WCC to determine whether an education contribution is required in relation to a new residential development.

Only developments including 10 or more eligible residential dwellings will be assessed. Eligible dwellings are those that are taken into account when calculating the number of children likely to be generated by a development. WCC considers that an eligible dwelling:

- has at least 2 bedrooms
- is not intended for accommodation of the elderly or students
- may be 'affordable housing'
- is a house or flat.

Step 1 – Assessment of number of pupils generated by the development

The number of pupils expected to be generated by a development is calculated as:

(Number of Dwellings / 100) x Pupil Yield per 100 dwellings x Number of equivalent year groups for the relevant age range

Figures are then rounded to a whole number.

Number of equivalent year groups:

- Early Years – 2.155 year groups (1 year group of children aged 3-4 + 1.155 equivalent year group of children aged 0-2, based on the percentage eligible for, and the percentage take up of, funded 0-2 year old places across Warwickshire).
- Primary – 7 year groups (Reception to Year 6)
- Secondary – 5 year groups (Year 7 to Year 11)
- Post-16 – 1 year group (0.5 equivalent year group of Year 12 and 0.5 equivalent year group of Year 13, as a proportion continue in school sixth form provision, the remainder go onto training or post 16 college).

The Pupil Yield figure used is dependent on the geographical area of the development:

District/Borough	Pupil Yield - Mainstream	Primary % EHCP (SEND)	Secondary % EHCP (SEND)
North Warwickshire	4.66	0.04	0.05
Nuneaton & Bedworth	4.74	0.05	0.06
Rugby	4.86	0.03	0.04
Stratford on Avon	4.37	0.03	0.04
Warwick	4.17	0.04	0.04

Pupil Yields are those provided by the DfE in their Pupil Yield Data Dashboard, published August 2023[3].

- SEND – to calculate the SEND contribution the percentage of pupils with an EHCP of the total population is applied to both the primary and secondary/sixth form pupil amount yielded from the development.

Step 2 – Assessment of current and forecast capacity in existing schools relevant to the development

Contributions towards the provision of additional places will not be sought where pupil forecasts suggest that existing local schools within a suitable distance[4] can reasonably accommodate the expected increases in demand for places.

The WCC Annual Education Sufficiency Update is published on an annual basis and sets out the current availability of school places in each area of the county. It also includes a forecast of the next five years based on GP registration data, existing number of pupils on school rolls, housing development approved at the time of publication, historical parental preference trends and other factors likely to affect admissions to particular schools. The forecast methodology is outlined in the WCC Education and Learning Education Sufficiency Strategy[5].

It is good practice to retain some surplus places in education provision in an area, with not all schools in an area operating at 100% capacity. The National Audit Office report 'Capital Funding for New School Places' (2013) refers to a minimum 5% surplus that the DfE assumes in its planning as necessary to support operational flexibility (mid-year admissions) and facilitate parental choice. This surplus capacity is likely to need to be higher than 5% where new housing is increasing the amount of in year movement to an area. Therefore, maintaining this level of surplus will also be considered when looking at current capacity and the impact of housing development in an area.

In assessing the requirement for developer contributions for Primary and Secondary places, the capacity of schools within a suitable distance of the development site will be assessed and where applicable the WCC Primary and Secondary Planning Areas relevant to the proposed development site will be considered as a whole[6].

Early years capacity is considered for those settings within 2 miles safe walking distance of the proposed development.

Where an application for a proposed development site is one of a number of sites in a village or town within an adopted local or borough plan that is likely to require additional education provision when the combined impact of the developments is taken into account, these other proposed developments will be incorporated into the assessment of education provision to ensure the timing of development applications does not restrict the funding required to deliver the required education places.

[3] DfE Pupil Yield Data Dashboard https://department-for-education.shinyapps.io/pupil-yields-dashboard/
[4] Safe walking distance (within 2 miles for Primary age pupils and 3 miles for Secondary age pupils) or provision serving the development if walking distance not applicable
[5] Link
[6] Safe walking distance (within 2 miles for Primary age pupils and 3 miles for Secondary age pupils) or provision serving the development if walking distance not applicable

3. Method for determining the level and format of contributions

Contributions will normally be required to mitigate the cost of additional school or early years provision, once any existing capacity within a suitable distance[7] has been filled.

The contribution required will vary depending on the type and scale of education provision necessary to mitigate the impact of the development. In the first instance, WCC will consider providing additional places at existing settings. This is generally the most cost-effective and straightforward approach to increasing capacity.

Where the scale of the development, or other factors, necessitates new provision, then a contribution will be required towards a new school or early years provision.

The assumed cost of school places is based on the National School Delivery Cost Benchmarking Primary, Secondary & SEN Schools publication[8], with a regional adjustment applied using the BCIS location factors. A 10% uplift for net zero/carbon ready adaptations is also applied. The only exception to this is the cost for new build secondary which is based on national average costs published annually in the DfE school place scorecards (due to the absence of robust information in the National School Delivery Cost Benchmarking Primary, Secondary & SEN Schools publication for secondary new provision).

In accordance with DfE guidance, financial contributions will be index linked in planning obligations, so that contributions are adjusted for inflation at the point they are negotiated and when payment is due.

3.1 Expansion of existing provision

The per pupil amounts that WCC will require as developer contributions towards the cost of providing additional school places in an existing school are:

Primary (per place)	Secondary (per place)	Early Years (per place)	Post-16 (per place)	SEN Primary (per place)	SEN Secondary (per place)
£22,787	£22,536	£22,787	£22,536	£90,653	£90,653

The contribution required for early years places is the same as for Primary, in accordance with the WCC strategy to include nursery provision within a Primary or all-through school setting where possible and appropriate.

The contribution required for Post 16 places is based on that required for Secondary, in accordance with DfE guidance.

In some situations, it may be determined that additional provision will only be required temporarily, for example where a new school that will eventually service the proposed development is already in the process of being built but is not yet able to accommodate

[7] Safe walking distance or provision serving the development if walking distance not applicable
[8] https://documents.hants.gov.uk/property-services/NationalSchoolDeliveryBenchmarkingreport.pdf

the additional pupils. In such cases, WCC will require a contribution to mitigate the cost of temporary accommodation only. This is usually a lower cost than permanent expansion.

3.2 New Provision

All new mainstream schools in Warwickshire will be established as Free Schools, in accordance with Government policy. All new primary schools are now expected to include a nursery and a specialist resourced provision.

WCC has the duty to set out the requirements for any new school needed to serve a new community in order that potential education providers (academy trusts) may express their interest in providing that school.

DfE guidance advises that where new schools are planned within housing developments, WCC should consider whether direct delivery by the developer would represent the best value for money, subject to an appropriate design and quality assurance.

Contribution requirements for New Provision will be determined on a case by case basis. Depending on the size of the development, and other factors, it might be appropriate for the developer contribution to include **land** for the school site. Typical requirements for school sites are provided at Appendix B - School Site Areas.

In addition to any land, financial contributions are likely to be required per additional pupil place generated by the development. In some cases the value of a land contribution might be offset through lower financial contributions where there are multiple developments benefitting from the new provision. However, where the land contribution only helps to meet needs from the development making the contribution, financial contributions to build costs and off-site provision will not be reduced.

<u>Contribution to capital cost of new provision</u>

WCC will require contributions per additional mainstream place in a new provision as detailed below:

Primary (per place)	Secondary (per place)	Early Years (per place)	Post-16 (per place)	SEN Primary (per place)	SEN Secondary (per place)
£29,674	£31,587	£29,674	£31,587	£90,653	£90,653

Land requirements for new provision will be provided in addition to the per pupil capital contribution.

Contribution to revenue cost of opening new provision

In addition to contributions towards the capital costs associated with new provision, explained above, WCC will require contributions towards revenue costs per additional mainstream place as detailed below.

Under the Free School presumption process local authorities (rather than the DfE) are required to meet the capital costs of providing the new school and the revenue costs of the new provision. WCC will request developer contributions towards meeting these costs when it is determined that new provision is required.

In providing the revenue support, WCC would be required to finance pre-opening development costs and post-opening funding to reflect the additional costs of establishing and operating a new school during the first few years, when pupil-led revenue funding is not sufficient to cover the full running costs.

Pre-opening costs: The pre-opening funding is intended to cover revenue costs up to the opening of the school. This can include project management, staff recruitment, salary costs and office and administration costs. The grant is paid to the new school in instalments the year prior to opening.

WCC provides a pre-opening funding grant in line with that given to new schools opened through the Central Government Free School programme:

- Primary £195,000
- Secondary £275,000

Post-opening costs: Warwickshire County Council have also adopted a post-opening grant in line with that paid by the DfE to Free Schools opened in the Central Government free school wave programme. There are two elements to the post-opening grant: non-staffing resources paid on a per pupil basis and a leadership grant:

1. Resources element: Paid each year that the school expands towards full capacity, for each new pupil expected to be on roll. It is paid at the following rates:
   - £250 for each new mainstream pupil in the primary phase (Year R to Year 6)
   - £500 for each new mainstream pupil in the secondary and 16 to 19 phases (Year 7 to Year 13)
2. Leadership element: Paid annually based on the number of year groups that the school will ultimately have that do not yet have pupils. The amount paid to mainstream schools depends on how many year groups are empty.

Table1: Leadership Element of Post Opening Grant

	Number of empty year groups						
Phase*	6+	5	4	3	2	1	Max
Primary	£80,500	£67,500	£54,000	£40,500	£27,000	£13,500	£283,000
Secondary			£125,000	£93,500	£62,500	£31,000	£312,000

**leadership element not affected by school size.*

Table 2: Total Post Opening Grant*

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Max. Total

Primary (1FE)	£88,000	£75,000	£61,500	£48,000	£34,500	£21,000	£7,500	£335,500
Secondary 7 to 11 (6FE)	£215,000	£183,500	£152,500	£121,000	£90,000	-	-	£762,000

**Maximum cost assuming school growing 1 year group at a time*

Total Revenue Cost associated with opening new provision (typical maximum cost)

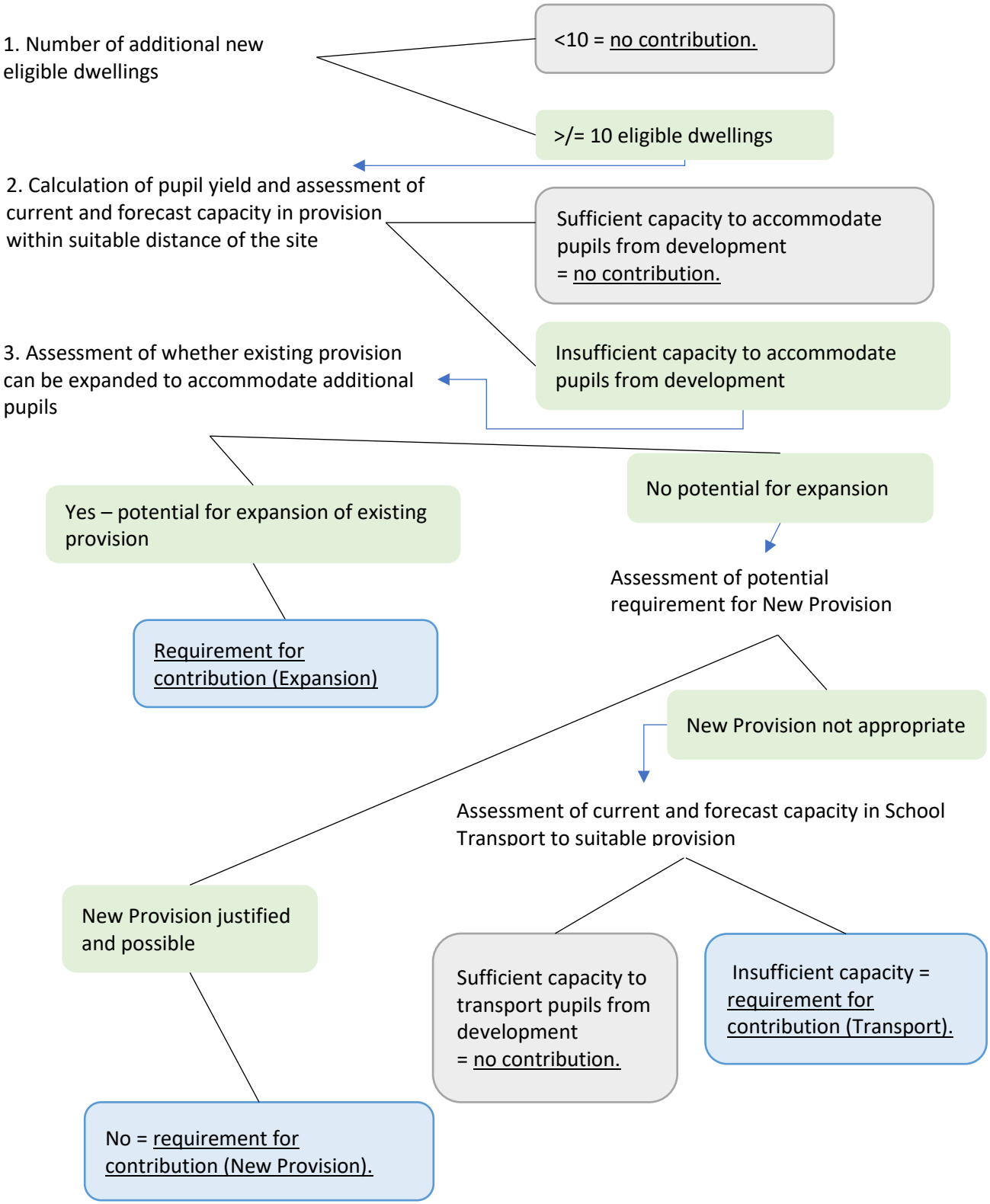
Primary: pre-opening (£195,000) + maximum post-opening (£335,500) = £530,500, which equates to a per pupil cost of £2,526.

Secondary: pre-opening (£275,000) + maximum post-opening (£762,000) = £1,037,000, which equates to a per pupil cost of £1,152.

3.3 Home to School Transport Costs

Developer contributions may be requested towards home to school transport costs for pupils travelling further than the statutory walking distance or where the walking distance may not be safe. For example, this may be the case when a development would increase the demand on home to school transport above the capacity of existing transport arrangements or where home to school transport is required in the intervening period before new provision is introduced or whilst a safe walking route to new or existing provision is established.

Appendix A – Methodology for assessing the requirement for contributions from residential development



Appendix B - School Site Areas

The area of land that WCC requires for schools is based on current DfE Building Bulletins, the latest being BB103, and other relevant publications. In line with its aspiration to increase educational achievement and enhance skills, WCC will always seek serviced site areas towards the top end of the recommended range.

Central Government also encourages 'extended schools' that include other community services and larger sites will be required if joint use of school facilities is to be considered.

In order to produce a school with manageable year groups, WCC may require slightly more land than is indicated by a straightforward calculation of pupils from a development. The following figures are a guide to likely requirements in terms of land:

Primary (YR-Y6 including nursery)

Class bases	Pupils / Places	Site Area (hectares)	Ideal Dimensions (metres)	
			Length	Width
7 (1FE)	210	1.1	130	84
14 (2FE)	420	2.0	162	120
21 (3FE)	630	2.9	175	160

Secondary

Y7-Y11 Places/ Pupils	Site Area (hectares)	Site Area (hectares) incl. Post 16
900	6.8	8.7
1050	7.7	9.6
1200	8.6	10.6

An important consideration when considering the land required for a new school is the location, size and shape of land for the provision of sports pitches. Also, for a playable surface, a consistent gradient of approximately 1 in 70 widthways should be achieved. This encourages suitable water run off without hindering play.

Fence Requirements
Prior to transfer to WCC all school sites must be fenced by a 1.8 metre high welded mesh polyester powder coated (conforming to BS1722-16:1992) fence with vertical wire diameter of at least 5mm and horizontal wire diameter of at least 7mm conforming to BS 1722 Part 14:2001 'specification for open mesh steel panel fences Category 1 (general purpose fences up to 2.4m high)' and gated at both highway access points.

Where congruent to vegetation or soft landscaping the fence must be supplemented by rabbit- proof fencing that shall be a minimum of 0.9m in height. The rabbit-proof fencing must be constructed with wire netting, to be 18-gauge (1.2mm diameter) with 31mm hexagonal mesh conforming to the appropriate British Standard and European DIN Standard. The base of the fence must be turned outwards from the school site by a minimum of 150mm and buried with clean topsoil. The specification for the rabbit fencing, including all posts, struts and stakes must also be in accordance with CIRIA report C645 'A Guide to Rabbit Management'.

Where appropriate, fencing should be supplemented by landscaping. New tree and shrub planting should also be protected with individual rabbit guards. Species should be considered carefully to ensure that plants will not prove a burden to the school either in terms of maintenance, safety and or security.

Soil Quality Requirement
The levels of any compound in the soil, to a depth of at least three metres below the final soil level, shall not exceed figures set for residential end use as defined by the Soil Guideline Values (SGV) derived using the Contaminated Land Exposure Assessment (CLEA) model and published by the Environment Agency and also the Generic Assessment Criteria values published by Land Quality Management and the Chartered Institute of Environmental Health at the time of the assessment. Any contaminants leaching from the site must not exceed the levels published in the United Kingdom Environmental Quality Standards (statutory and proposed).