

DETERMINATION

Case reference: STP/606

Proposal: To modify the implementation date and increase the size of the new primary school to accommodate 630 pupils aged 4 to 11 years.

Proposer: Milton Keynes Council

Date of Decision: 23 April 2014

Determination

Under the powers conferred on me by the School Organisation (Transitional Provisions) (England) Regulations 2007, I hereby agree to the proposal by Milton Keynes Council to modify the previously determined statutory proposal and determine that:

- the implementation date for the establishment of a new community primary school to be postponed until 1 September 2016; and
- the size of the school will be increased from 420 places, to accommodate 630 pupils aged 4 to 11 years.

The referral

1. On 21 March 2014 Milton Keynes Council (the council) wrote to the Office of the Schools Adjudicator (OSA) referring a proposal to modify the implementation date for the establishment of a new two-form-entry primary school in Newton Leys in September 2015 and instead to establish a three-form-entry primary school on 1 September 2016.

Jurisdiction

2. The request was referred to me in accordance with the transitional arrangements contained in the School Organisation (Transitional Provisions) (England) Regulations 2007 (the Regulations) made under the Education and Inspections Act 2006.

3. I am satisfied that this proposal has been properly referred to me in and that I have jurisdiction to determine this matter.

Procedures

4. I have considered all the papers put before me including the following:-

- the request from the council for a further modification to the statutory

proposal dated 21 March 2014 and subsequent correspondence;

- minutes of the Cabinet meeting on 6 March 2007 at which it was agreed to issue a statutory notice;
- a copy of the statutory notice of 20 March 2007 published in The Citizen newspaper;
- the adjudicator's determination dated 1 December 2010;
- the most recent projections of the number of pupils and housing development projections; and
- a booklet published by the council, "School Place Planning Framework 2013/14".

The Proposal

5. The original proposal by the council was the establishment of a new community primary school with 420 places for pupils aged 4 to 11 years, to open on 1 September 2011. However, when it became apparent that the number of homes anticipated by the developer and the council would not be built to the expected schedule, the council applied to the OSA for a modification of the proposal to change the implementation date to 1 September 2015. This request was agreed and determined on 1 December 2010.

6. A recent assessment of the rate of building and of the availability of places in existing primary schools in the area has led the council to conclude that a further modification to the statutory proposal is required. The proposal is to change the date of implementation to 1 September 2016 and to increase the number of places available at that time from 420 to 630.

Background

7. In March 2007 the council agreed to publish a statutory proposal to establish a new community primary school in Newton Leys to open on 1 September 2010. The council sought a modification in 2010 to change the implementation date to 1 September 2015 and the OSA agreed to this in December 2010.

8. Having reviewed the situation, the council has concluded that it can meet the requirement for places in the short term by expanding existing provision, but will need a new 630 place primary school for September 2016.

Consideration of factors

9. The original proposals were determined in 2007 and there were no objections to the formal proposals. At that time, projections indicated a rapid increase in the number of primary-aged children from the planned housing development and the council began to make appropriate plans to establish new provision. However, the subsequent downturn in the national economy led to a severe delay to the start of the development which in turn led to the request in 2010 to delay the implementation

date. Since 2007 there has been an increase in the birth rate across the area and in order to respond rapidly the council made provision available by enlarging existing schools. The council's planning framework document provides clear evidence of the significant on-going workload for the council as it seeks to secure the timely availability of provision across the whole council area.

10. To date, the housing development in the Newton Leys area of Milton Keynes has been slower than anticipated. However, I am advised by the council that as agreed with the developer and partners, the site for the new school will be released in the current quarter of 2014, in accordance with the planning agreement. Under section 106 of the Town and Country Planning Act 1990 a council is able to secure contributions to services, infrastructure and amenities in order to support and facilitate a proposed development. In this case, the section 106 agreement says that the transfer of the freehold of the land will be made with the occupation of the 500th dwelling and this is expected shortly.

11. In 2013, 3856 reception year places were required, but updated projections based on the number of pupils expected from housing development and from the rising birth rate indicate that this number will increase significantly, to approximately 4138 by September 2019. These projections forecast a shortfall in the number of primary school places and the requisite provision that cannot be met merely by expanding existing schools in areas already under pressure.

12. The increasing rate of housing development combined with a generally rising birth rate would suggest that the council's request to delay the implementation to 1 September 2016 and to increase the size of the proposed primary school to accommodate 630 pupils is reasonable. The growing community in Newton Leys and prospective home owners in the area will want to have the security of knowing that a new primary school will be built within the neighbourhood and therefore in my view, the interests of these families will best be served by agreeing to the modifications requested and I so determine.

Determination

13. Under the powers conferred on me by the School Organisation (Transitional Provisions) (England) Regulations 2007, I hereby agree to the proposal by Milton Keynes Council to modify the previously determined statutory proposal and determine that:

- The implementation date for the establishment of a new community primary school to be postponed until 1 September 2016; and
- The size of the school will be increased from 420 places, to accommodate 630 pupils aged 4 to 11 years.

Dated: 23 April 2014

Signed:

Adjudicator: Mrs Carol Parsons