

DETERMINATION

Case reference:	STP/000573
Referral body:	Devon County Council
Modifications:	To modify the date set for the implementation of a determined proposal to establish a new school in East Devon
Date of decision:	10 April 2012

Determination

Under the powers conferred on me by paragraph 21 of the School Organisation (Transitional Provisions) (England) Regulations 2007, I hereby approve the modification to the determined proposal to establish a new community primary school in East Devon, such that the date for implementation shall be 1 September 2013.

The referral

1. Devon County Council (the Council) wrote to the Office of the Schools Adjudicator in an email letter dated 5 March 2012, requesting a modification to the implementation date for the establishment of a new community primary school in East Devon from September 2012 to the start of the autumn term 2013.

Jurisdiction

2. In a notice dated 21 May 2007, the Council published a proposal to establish a new community primary school in East Devon (the School) from 1 September 2010. The proposal fell to be determined by the Schools Adjudicator following the abolition of the School Organisation Committee. Under the transitional arrangements contained in regulations made under section 31 of the Education and Inspections Act 2006 the Schools Adjudicator approved the proposal on 24 October 2007.

3. In a determination of 26 July 2010 the Adjudicator modified this determined proposal so that the date for implementation was to be September 2012.

4. I am satisfied that I have jurisdiction to consider these matters under paragraph 21 of the School Organisation (Transitional Provisions) (England) Regulations 2007.

Procedures

5. In considering the proposed modification, I have had full regard to the

relevant legislation and guidance.

6. I have considered all the papers put before me including:
 - the Adjudicator's determination of 24 October 2007;
 - the Adjudicator's modification of 26 July 2010;
 - the Council's letter of referral of 5 March 2012; and
 - the Council's email of 28 March 2012.

The Proposal

7. The Council has requested a modification to amend the date for implementation for the proposed new school from September 2012 to the start of the autumn term 2013. For certainty I have taken the proposed implementation date to be 1 September 2013.

Background, Consideration of Factors and Conclusion

8. The School is to serve the eastern end of the new community at Cranbrook in East Devon. Another primary school (a voluntary aided Church of England school) is nearing completion at the western end of the community.

9. The Council has advised that the implementation date is no longer realistic due to the economic downturn causing further delays in the housing development which the School is designated to serve.

10. However, the Council states that construction of the housing development has now commenced, but no homes are in occupation at this time. As the rate of population growth will be dependent on the housing market, the Council considers that the School will be required in September 2013, but it cannot be certain.

11. The Council considers that the original consultations continue to be valid due to its activity of keeping the community, schools, parents and pupils informed of progress throughout the period from July 2007 to the present. The Council has reported that the most recent consultation was held in January 2012 on primary school place planning in Exeter schools and the impact of future housing development within the city and on the eastern fringe of Exeter (Cranbrook).

12. I note that six years will have elapsed from the initial proposal and associated consultations in July 2007 to the revised implementation date of 1 September 2013 which I am being asked to approve. However, if I approve this date and the revised implementation date should again prove unrealisable, the Council may wish to consider whether it would be more appropriate to engage in fresh consultation before requesting any further modification.

13. Although the Council is not totally confident that it will be able to comply with the proposed new implementation date, and as the places are not needed yet, I have decided that it is reasonable to agree the proposed modification, and am doing so.

Determination

14. Under the powers conferred on me by paragraph 21 of the School Organisation (Transitional Provisions) (England) Regulations 2007, I hereby approve the modification to the determined proposal to establish a new community primary school in East Devon, such that the date for implementation shall be 1 September 2013.

Dated: 10 April 2012

Signed:

Schools Adjudicator: Cecilia Galloway