

DETERMINATION

Case reference:	STP/000546
Referral body:	Salford City Council
Modification:	To modify one of the terms of the approval of the statutory proposal contained in a Determination by the Schools Adjudicator under the Case reference STP/000427
Date of decision:	17 May 2011

Determination

Under the powers conferred on me by paragraph 42 (2) of Schedule 5, to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 I determine that the date by which the condition of planning permission associated with the addition of this sixth form be modified to 1st July 2011.

The referral

1. On 19th April 2011, Salford City Council (“the Council”) wrote to the Office of the School’s Adjudicator requesting a modification to a previous Determination by the Schools Adjudicator dated 28th October 2010 under the Case Reference STP/000519, itself modifying a previous adjudication of 6th November 2009 under the Case Reference STP/000427. The requested modification was to change the date by which the condition of planning permission associated with the addition of a sixth form at St Ambrose Barlow School (“the School”) be given to 1st July 2011 (from 30th April 2011).

Jurisdiction

2. The Council applied for a modification to be made before the expiry of the existing condition. I have decided that I have jurisdiction to determine the proposed modification in accordance with paragraph 42 (2) of Schedule 5 to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (“the Regulations”).

Procedures

3. In considering this matter I have had regard to all relevant legislation and guidance.

4. I have consulted the School, as is required by paragraph 42(2) (a) of Schedule 5 to the Regulations.

Procedures

3. In considering this matter I have had regard to all relevant legislation and guidance.
4. I have consulted the Council and the School, as is required by paragraph 21(2) of Schedule 2 of the Act and regulation 27 (2) of the School Organisation (Establishment and Discontinuance of Schools) Regulations 2007.

Consideration

5. The Council has explained that, because the proposed new St Ambrose Barlow sixth form is in the green belt, the planning authority is required to consult the Secretary of State for Communities and Local Government before granting planning permission. The Council has been informed that the Secretary of State will not be able to respond during the pre-election period. For that reason, planning permission cannot be granted before the date stipulated in the last adjudication.
6. The School has indicated its support for the Council's request for the modification, in letter dated 9th May 2011 sent by email on 11th May 2011.
7. On this basis, I believe that it is reasonable that the request be met, and will approve the desired modification.

Determination

8. Under the powers conferred on me by paragraph 42 (2) of Schedule 5, to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 I determine that the date by which the condition of planning permission associated with the addition of this sixth form be modified to 1st July 2011.

Dated: 17 May 2011

Signed:

Schools Adjudicator: Canon Richard Lindley