

DETERMINATION

Case reference:	STP/000557
Referral body:	Wiltshire County Council
Modifications:	To modify a determined proposal to establish a new school in East Trowbridge
Date of decision:	7 October 2011

Determination

Under the powers conferred on me by Paragraph 21 of the School Organisation (Transitional Provisions) (England) Regulations 2007, I hereby modify the determined proposal to establish a new community primary schools in East Trowbridge, such that the date for implementation shall be 1st September 2014.

The referral

1. Wiltshire County Council (“the Council”) wrote to the Office of the Schools Adjudicator in an email letter dated 19th September 2011, requesting a modification to the implementation date for the establishment of a new community primary schools in East Trowbridge to 1st September 2014.

Jurisdiction

2. In a notice dated 26th January 2007, the Council published a proposal to establish a new community primary school in East Trowbridge from 1st September 2008. Since no objections were received, the Council, acting under Paragraph 4 of Schedule 6 to the School Standards and Framework Act 1998 (“the Act”), approved its proposal on 9th May 2007.

3. In a Determination of 19th February 2009, the Adjudicator modified this determined proposal so that the date for implementation was to be 1st September 2011.

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 19th February 2009; and
The Council's letter of referral of 19th August 2011.

The Proposal

7. The Council has requested a modification to amend the date for implementation for the proposed new school to 1st September 2014.

Consideration of Factors and Conclusion

8. The Council has reported that the housing development in East Trowbridge has yet to begin, and that there is currently no need for the proposed community primary school to serve it. Further, the Council has explained that the Section 106 agreement for the provision of the new school requires that the school must be completed only within 18 months from the commencement of the first dwelling. The developer has indicated that the school will not need to be operational until September 2014.

9. I have considered whether changing the implementation date for a second time – making a total of six years' delay – might constitute a significant change, such that circumstances could have changed by 2014, and such that objections could be made to the revised proposal. Since the proposed school is dependent upon a new housing development, I am satisfied that this is unlikely to be the case on this occasion. However, if the revised implementation date of 2014 that I am approving should again prove unrealisable, I would advise the Council to consider whether further modification should be requested, and whether alternative mechanisms might be more appropriate.

Determination

10. Under the powers conferred on me by Paragraph 21 of the School Organisation (Transitional Provisions) (England) Regulations 2007, I hereby modify the determined proposal to establish a new community primary schools in East Trowbridge, such that the date for implementation shall be 1st September 2014.

Dated: 7 October 2011

Signed:



Schools Adjudicator: Canon Richard Lindley