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Our ref: MAR15/1/SG/CW

Attn. Members of the Scrutiny Committee  
Copy to: Matthew Gladstone, Chief Executive

29 July 2024

BY EMAIL ONLY (*to the addresses listed at the bottom of this letter*)

Dear Councillors

**Ken Stimpson Academy / Werrington Fields**

We act for a group of local residents (“our client”) who are concerned that Werrington Fields (“Area C”) will be fenced off for exclusive school use, and the current public access as public open space severely curtailed.

Werrington Fields has been used by Ken Stimpson Academy (“the school”) following an agreement between Peterborough City Council and County Council in 1984. Since its creation the area has also been used by local residents for recreation and as a public open space. This accepted use is reflected in public access points, litter and dog waste bins, and in particular, the lack of fencing.

Whilst our client does not deny the land has been used by the school, the 1984 agreement allowed “priority use” only of Area C land by the school for a set number of hours in an academic year. In other words, the periodic use of Area C as school playing fields was never envisaged to be exclusive or permanent. Land used partly for educational use does not make it exclusively education land; the majority of the time the public also has always had unimpeded access across the area. The land is therefore in dual – or mixed – use.

In 2023 an application was made under s77 School Standards & Framework Act 1998 to obtain the Secretary of State’s consent to the fencing off of one part of Area C, for the school’s sole use, with the remaining area for public use only. This consent was refused in November 2023 because school playing fields should not be disposed of. However, this submission and the Secretary of State’s response was predicated on the erroneous assumption that the land was already solely education land, which we refute; the assumption is unsupported by the evidence showing mixed use.

We understand the matter has been “called in” for joint committee review on 2 August. We urge the Council to follow the appropriate procedure for their proposal to change the use of land from dual use to sole use by the school and require a planning application to be

submitted, which can then be subject to an open public consultation and proper discussions had with local residents (including our client).

Failure to follow due process will expose the decision to allow the fence to potential legal challenge and our client reserves their position in that regard.

Yours faithfully,



**RICHARD BUXTON SOLICITORS**

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