

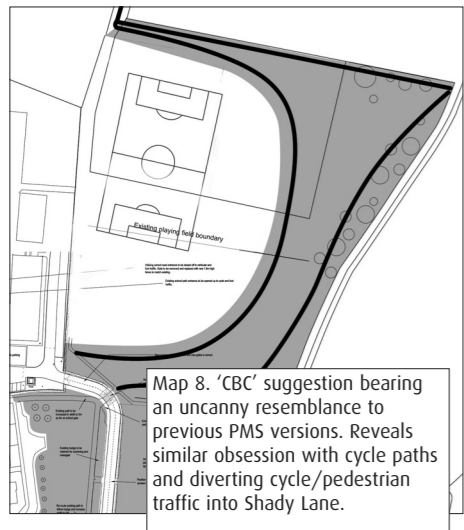
the negotiations each time agreement looked close.

2. As we have always suspected, getting the playing field 'in-house' is crucial to the school's expansion plans. It is not essential for security reasons, as PMS, the Grammar School and others have proven over the last 40 years. All the PMS suggestions throughout these negotiations have been aimed at trying to fool, persuade or threaten the local community into agreeing to the removal of the important footpath between the schools.

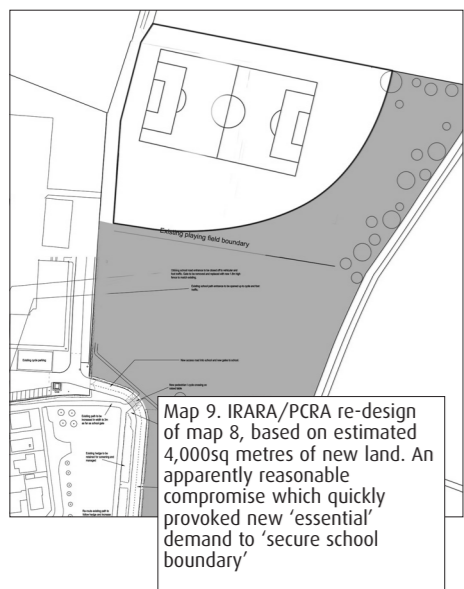
3. The CBC promise to release land allocated for allotments is, and always was, undeliverable. Councils have a legal obligation to provide allotment land and they require permission from the Secretary of State to change its use. Given the huge waiting list for allotments in Colchester at the moment, this is unlikely to happen. Even if enough land is surrendered to build a road, we don't think there will be any new public open space worth talking about.

4. The PMS/ECC plan is to meet the bare minimum CBS cabinet conditions and get the road built during the summer holidays with separate funding. By the time anyone knows for sure whether the famous £130m is actually a reality, the road will have been built.

We will continue in our attempts to get a reasonable settlement for ALL the people who depend on this area of open space, but we are not optimistic.



Map 8. 'CBC' suggestion bearing an uncanny resemblance to previous PMS versions. Reveals similar obsession with cycle paths and diverting cycle/pedestrian traffic into Shady Lane.



Map 9. IRARA/PCRA re-design of map 8, based on estimated 4,000sq metres of new land. An apparently reasonable compromise which quickly provoked new 'essential' demand to 'secure school boundary'

### What you can do

For the reasons mentioned above, we are urging everyone to strongly oppose the planning application(s) on the grounds that all the alternatives on offer actually deprive the community of either usable open space or much needed allotment land.

We've been checking government guidelines for the use and development of public open space and have discovered this in the **Planning Policy Guidance on Sport and Recreation (PPG17)** published in 2002 and updated in July 2005:

"...existing open space, sports and recreational buildings and land should not be built upon unless an assessment has been undertaken which has clearly shown the open space or buildings or land to be surplus to requirements.

For open space 'surplus to requirements' should include consideration of all the functions that open space can perform...In the absence of a robust and up-to-date assessment by a local authority, an applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to requirements.

Developers will need to consult the local community and demonstrate that their proposals are widely supported by them..."

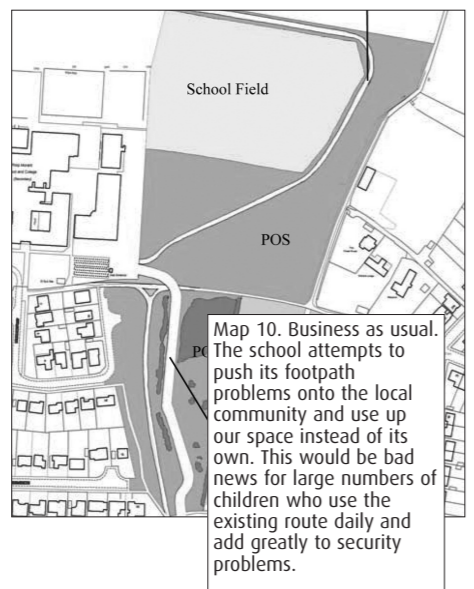
This seems to us to be a material change in planning law which should require the original application for permission to build the road to be, at least, reconsidered and the new one refused. If you agree, please write or email:

**David Whybrow**  
Environmental & Protective Services  
Colchester Borough Council  
PO Box 889, Town Hall, Colchester CO1 1FL  
email: [planning.services@colchester.gov.uk](mailto:planning.services@colchester.gov.uk)

**Quote Application Number 100172, dated 2 February 2010** (renewal of application F/COL/97/0155 & F/COL/04/2217)

**And Application Number 100223, dated 1 February 2010** (Application for the new route as shown on Map 5 overleaf)

**The consultation expiry date ends on 28 February 2010**



Map 10. Business as usual. The school attempts to push its footpath problems onto the local community and use up our space instead of its own. This would be bad news for large numbers of children who use the existing route daily and add greatly to security problems.

### The original cabinet brief

.....To enable an access road to be constructed to Philip Morant School by  
(i) Agreeing a road access over part of the public, and if necessary private open space in the local area around the Philip Morant school and working up with the permission of all landowners a planning application for submission and determination. Colchester Borough Council would at that point agree to release appropriate parts of its land required for that purpose. This road access should, as far as is possible leave the area known as 'the green' untouched.

Or if this proves not to be deliverable,

(ii) To agree to the current land requirement with the existing planning permission to either be transferred or any other more satisfactory way of the land being used for this purpose.

Either option is conditional upon,

(a) That the grant of £130 million (or substantial part thereof) Government investment into education in Colchester through the "Building Schools for the Future" funding is confirmed by DCSF.

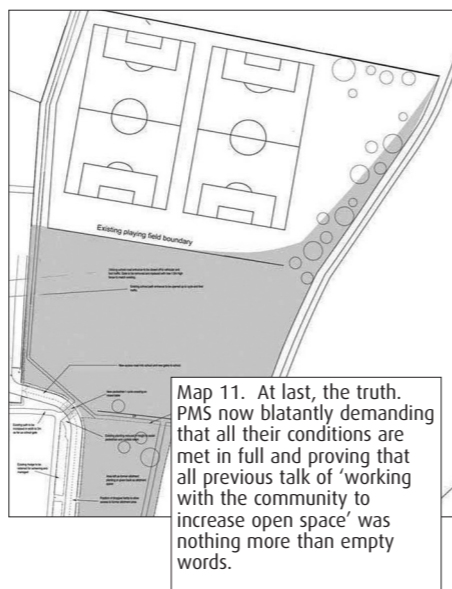
(b) If for any reason the grant funding is not forthcoming or is reduced significantly or withdrawn completely then this Cabinet decision as landowner to release the land will be rescinded.

(c) All remaining public open space in the area in question (including that owned by Essex County Council) to be protected in perpetuity from any construction or building work.

(d) Land should be made available and transferred into the ownership of Colchester Borough Council from Philip Morant School which is equivalent or larger than the land being used for the road access for use as part of the public open space.

(e) Essex County Council would need to agree to fund the improvement of both the quality of the natural environment; to provide appropriate screening; the improvement of cycle paths and footpaths in the open space area.

(f) The access road and improvement of the revised open space area to be developed in consultation with the residents associations known as Painters Corner Residents Association and Irvine Road Area Residents Associations.



Map 11. At last, the truth. PMS now blatantly demanding that all their conditions are met in full and proving that all previous talk of 'working with the community to increase open space' was nothing more than empty words.

IRVINE ROAD AREA RESIDENTS' ASSOCIATION  
**newsletter**  
Your voice in the local community  
http://www.irara.org.uk

**PMS ACCESS ROAD SPECIAL**  
THIS CONCERNS EVERYONE WHO CARES ABOUT SAFE OPEN SPACES FOR OUR CHILDREN'S FUTURE!

**COLCHESTER BOROUGH COUNCIL BLUNDER OPENS THE WAY FOR PHILIP MORANT SCHOOL TO GET ITS ROAD - WITH OR WITHOUT THE £130M!**

## PMS ROAD ROUTE TALKS IN DANGER OF COLLAPSE AS SCHOOL MOVES THE GOALPOSTS - AGAIN

Following the disastrous decision by Colchester Borough Council in December to release land for the road and commit IRARA and Painters' Corner Residents' Association to talks with Essex County Council and Philip Morant School, we can report that almost no progress has been made. IRARA is the only body to have made any worthwhile concessions so far and has received nothing of any value in return.

Like most observers, we were astonished when the Colchester Borough Council Cabinet announced, with no discussion at all, on December 14th that they were prepared to release land for a new access road from Norman Way to Philip Morant School following what they called a 'compromise' route through the former allotment land to the east of the Green. The land came with a number of conditions (printed in full on the back of this newsletter), the main ones being:

- 1) Land release would be withdrawn if the £130m did not materialise
- 2) The school were required to replace the land taken up by the road and work with the residents' associations to increase the amount of public open space available to local people.
- 3) The new road was required to leave as much of the Green intact as possible.  
As further compensation to local people for having a road carving up their last remaining

piece of public open space, CBC undertook to convert the fenced off former allotment land to public open space, although it has since transpired that it always was going to be public open space once the planted trees had reached maturity.

But most incredible of all, the council cabinet decision also said that if agreement could not be reached, permission would revert to the original planning application, straight through the Green, effectively ensuring that

PMS had no incentive to be reasonable as the very worst that could happen to them was the realisation of their original aim!

Ever since then IRARA have been battling to try and negotiate a worthwhile settlement and honour the spirit of this brief, only to have a continual stream of obstacles placed in our path, to ensure that agreement could never be reached, except on the school's terms. Every time we have put forward what we consider to be a reasonable solution it has been met with a counter proposal demanding even more of the Irvine Road Field.

### Moving goalposts

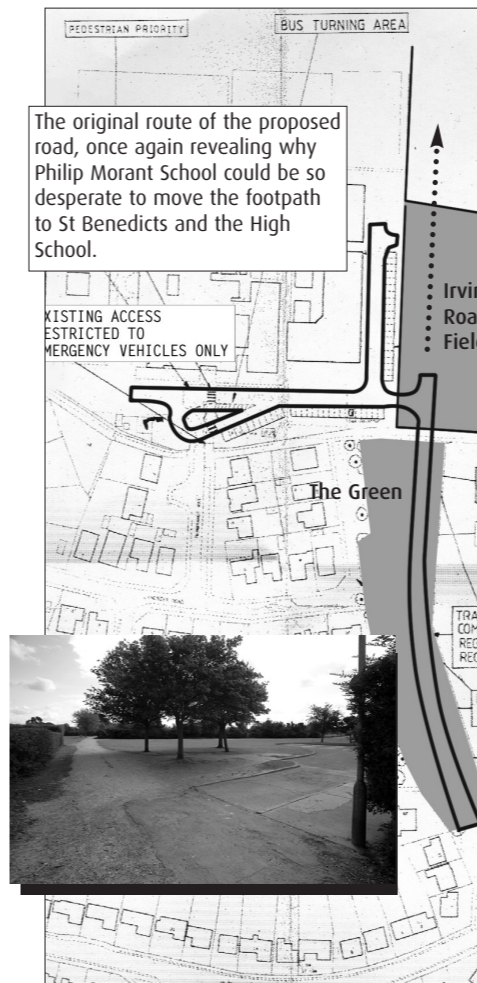
1. CBC stipulated that work on the road would not begin until the £130m was a reality. **PMS have told us that they intend to start building the road as soon as their existing planning permission is renewed, or the new application is approved, money or no money. Work could begin as early as May, with Essex County Council funding the build, independently of the schools re-organisation programme!**

2. CBC stated that they would release the previous allotment land for public open space. **Two months into the process, no official application has been made to the government to change the status of the land, and our information is that this is unlikely to be approved, given the current massive waiting list for allotments.**

3. CBC stated PMS should release as much land as possible in return for the road. **The school's immediate response was that the land they were allowed to release was determined by pupil numbers/size of the school campus. Two months into the process they are still 'unable' to tell us how big their campus is and therefore 'unable' to confirm how much land they can release. At present, all they are offering is a useless corner of their playing field, much of which will be taken up by the re-routed footpath.**

4. The school have suddenly announced that they 'must secure their boundary' and re-route the footpath between the schools, and CBC appear to be supporting this, **despite the fact this formed no part of the original cabinet brief.**

5. Recent statements in the press have indicated that the £130m, even if confirmed, may not arrive for another year. **As we always suspected, the access road will be built, regardless of the outcome of the discussions concerning the proposed Colchester schools re-organisation plans.**



Map 1. This map shows the disastrous alternative route secretly discussed between the council cabinet and 'local residents' as presented to IRARA

Irvine Road Area Residents' Association is a non-political organisation. It acts independently of any political party and is not affiliated to any other body which has as its objectives the advancement of any political interest

# ⇒ THE ROAD TO NOWHERE – STILL NO STRAIGHT ANSWERS AFTER 2 MONTHS OF TALKING

Despite recent reports in the local press, no final agreement has been reached on the so called ‘compromise route for the proposed Philip Morant School access road. 2 months into negotiations, IRARA is still waiting for answers

## December 2 2009.

Colchester Borough Council cabinet refuses to release land for Philip Morant School access road, massive local opposition being quoted as the determining factor in the decision.

## December 8 2009

Summit meeting takes place at PMS, chaired by CBC chief executive officer, Adrian Pritchard and assistant, Ann Wain. The brief is to ‘look at ways to improve access to the school without building a road’.

Present are representatives of IRARA, Painters’ Corner Residents’ Association, Philip Morant School and Essex County Council. All parties are asked to make a statement of their (predictable) respective positions.

Some discussion follows, revealing a noticeable bias in favour of the school, with the usual unsubstantiated claims about the need for the road and vague promises about parking, discouraging parents from dropping off etc. being mostly accepted as fact, and IRARA doubts being dismissed as ‘speculation’.

Ann Wain mentions that there may be a possibility of the council being able to release the area of the former allotments, at present fenced in, to allow a road to be built away from the green.

## December 9 2009

CBC scrutiny committee (after hearing report of summit meeting from AP) instructs council cabinet to re-examine its decision to refuse to release land for the road. The scrutiny committee and the wider council have a majority of tory councillors whose additional agenda is to force through Lord Hanningfield’s deeply unpopular Colchester schools re-organisation programme.

Lord Hanningfield is currently facing criminal charges for corruption and false accounting.

## December 11 2009.

IRARA informed by local press that secret plans are being made to release former allotment land to the east of the Green (with agreement ‘of local residents’) for a compromise road route.

## December 13 2009.

IRARA meet with PCRA to discuss rumours about road. PCRA say they are content with the route (as shown in map 2). IRARA try to point out disastrous effects on the Field and footpath. PCRA say their only priority is to keep the road away from their houses.

## December 14 2009.

Following months of intense pressure from Tory councillors, the Colchester Borough Council Cabinet finally buckles and unanimously votes to release the land for an access road to Philip Morant School, despite having received over 1100 representations from members of the local community furiously objecting to the road and its inevitable detrimental effects on the local open space.

IRARA are astonished to learn that a provisional new route for the road has been agreed, supposedly with the agreement of local residents, but subject to certain conditions.

As a sop to the local community, one of the conditions requires the school and ECC to work

with residents’ organisations to relinquish the maximum amount of land they can as compensation for the open space destroyed by the road.

## January 12 2010.

Initial meeting at Colchester Town Hall of group responsible for negotiating layout of access road and new open space. Present are representatives from IRARA, PCRA, CBC, ECC and PMS.

The meeting gets off to a slow start, with an hour of talking about nothing very much other than definitions, procedures, but hots up when PMS and ECC start issuing veiled threats to the council concerning the conditions of the land release. PMS announce that they intend to seek renewal of existing planning permission regardless of the outcome of these talks, and once they have begun the process they will not be easily deterred, conditions or no conditions.

IRARA ask how much land the school will release to the local community. Neither PMS nor ECC can answer this question. They do not appear to know the actual size of the campus, or the amount of land/playing field space required per pupil. Apparently there is a ‘secret’ formula known only to one member of ECC. He undertakes to work this out.

IRARA announce that they have taken a long hard look at the situation and have decided that if a road is now an established fact, in the interests of causing the least damage and disruption to the open space and maximising the proposed new land on offer, the road should go along the western edge of the Green (Map 2).

PMS and ECC are generally approving, PCRA refuse point blank to have a road so close to their houses, despite the fact that the Green would potentially double in size and be of much more use as a recreational area. PCRA reiterate that they don’t care.

Because of disagreement between residents’ associations Ann Wain (chair) decides to call an additional meeting between CBC, IRARA and PCRA.

## January 14 2010

IRARA arrive at scheduled meeting of council

and residents’ associations to discover that a secret meeting has taken place between representatives of CBC and PMS prior to the scheduled meeting.

When pressed, CBC admit that a meeting has taken place and PMS have said that they intend to ignore the outcome of these discussions and press ahead with the original access road.

IRARA suggest a new compromise road route which will keep the road away from PCRA houses, go directly into the school grounds, use up the least amount of space and leave most of the Green intact (Map 3).

This is flatly rejected by PCRA, in favour of a road that would go straight into the Irvine Road Field, with a sharp right angle bend into the school, despite the obvious intrusion into the playing field area and resulting chaotic crossing arrangements.

PCRA eventually agree to another compromise which enters the school grounds partly from the Green and partly from the Field and has only one pedestrian crossing point. PCRA to produce a new drawing.

IRARA ask again about how much public open space will be available. CBC have no new information. Doubts are also beginning to surface about the ex allotment land. CBC may not be able to deliver all of it due to the size of the waiting list. No application has yet been made for its re-classification as open space.

## January 17 2010

IRARA asked to attend a meeting with PMS and PCRA to discuss an ‘initial sketch’ produced by PMS consultants.

IRARA stunned to discover PMS’ ambitions for the whole area (map 4), complete with full width road, roundabout and drop off area in the Irvine Road Field and massive detour of existing footpath to other schools, offering only useless left overs of open space in return.

IRARA asks again how much land the school will release; again this question cannot be answered. We now know that it is nowhere near the amount required for map 4. In reality, the PMS playing field would intrude much further into the open space area.

IRARA rejects this plan. PCRA dislike the

roundabout, but are content with the road layout. PMS agree to amend their drawing.

IRARA asks again about how much open space will be available, to no avail. It is also beginning to transpire that there may be real difficulties about the ex allotment land being released.

## January 23 2010.

Meeting of IRARA, PCRA, PMS to show new road route as re-drawn by PMS Consultants (map 5). PCRA approve, IRARA agree subject to open space, ask again about amount of open space available. PMS have circulated the ‘formula’ but can’t give us an answer, although they hint that advice from ECC is to surrender only the minimum they can get away with as a final answer may depend on how much bigger the school roll/campus gets.

## January 28 2010.

CBC announce that they will ‘start work’ on an application to the Secretary of State to transfer ex allotment land and arrange a meeting between IRARA, PCRA and their urban designer to ‘design’ new open space. IRARA reply that this will be difficult as we don’t know what new open space will be. Nevertheless, we agree to go and draw up suggestions.

## 29 January 2010

PMS leak statement to the press (despite having agreed to remain silent until concrete results can be announced) claiming agreement, which is totally untrue as genuine agreement is now beginning to look increasingly elusive.

## January 31 2010.

IRARA summoned to yet another ‘pre-meeting’ meeting by PMS. These blatant attempts to influence discussions they are not party to are becoming a noticeable feature of PMS tactics.

We show them our suggestions for re-designing the new open space, (maps 6 and 7) given the limited information available, but based upon the promise of adequate land compensation for the road. We are told simply, that they now intend to surrender only 2,600sq metres, which renders all IRARA suggestions impossible. Our response is that this amounts to nothing more than the equivalent of an 8 metre

strip on the southern edge of their playing field, leaving little to discuss other than simply moving a fence. The response is that they intend only to give away the useless triangle next to Shady Lane containing the mature oak.

## February 2 2010

IRARA and PCRA attend a meeting with CBC and their urban designer, who immediately produces layouts bearing an uncanny resemblance to the PMS plans, with over half of the Irvine Road Field suddenly owned by the school, a rotated football field, a greatly extended footpath around it, with a network of cycle paths criss crossing what is left of the (now useless) open space (Map 8).

IRARA reject this plan on the grounds that it actually dramatically reduces the area of usable open space and is designed to direct cycle and pedestrian traffic into Shady Lane, which is inadequate for the purpose.

Even now, no accurate figures for the new open space are available, but CBC estimates ‘around 4,000sq metres’ will be handed over, so IRARA and urban designer sketch out a new layout as per map 9. This is agreed by PCRA and CBC. The designer agrees to produce a revised design for the following day.

## February 3 2010

Map 9 never sees the light of day. Somehow, between the previous meeting and today the designer has been re-briefed with a completely different set of priorities.

IRARA subsequently learn that another meeting has taken place between CBC and PMS at which the school have suddenly announced that ‘securing their boundary’ has become an absolute condition and they are no longer prepared to negotiate on this.

Map 10 is published, with a new cycle path dissecting the Field and using up a big chunk of the new ‘open space’, leaving only two useless corridors at the northern and eastern ends of the playing field. A mugger’s paradise.

## February 11 2010

Another meeting with CBC, ECC, PCRA and PMS. Once again PMS start talking about cycle paths and visions of ‘improved’ open space, and sending a tarmac cycle path diagonally across

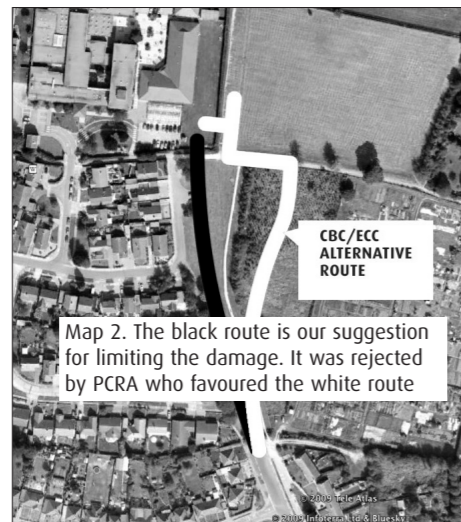
the Field, straight into Shady Lane. IRARA reply that this is ridiculous as the path between the playing fields is much too narrow and refuse to discuss paths, shrubs or other side issues until we have some straight answers about how much open space is available.

PMS immediately reply that the previous offer of 4,000sq m is now only available if community agrees to map 10, otherwise they are prepared to replace only the bare minimum taken by the road, 1300sq metres. In addition to this, a new map is produced, now showing two ‘essential’ full size football pitches and an almost inaccessible triangle of land surrounding the oak tree, measuring exactly 1300sq metres to be offered up as compensation for the road. IRARA and PCRA accuse PMS of constantly moving goalposts to make agreement impossible. IRARA agree to produce a new drawing to try and make better use of the new land, which is now so small and beset with conditions as to be almost worthless in terms of open space. (Map 11)

## End of the story?

As far as we can see, this is the end of the story. It’s taken two months and a lot of hard work to get here, but a number of things have become quite plain.

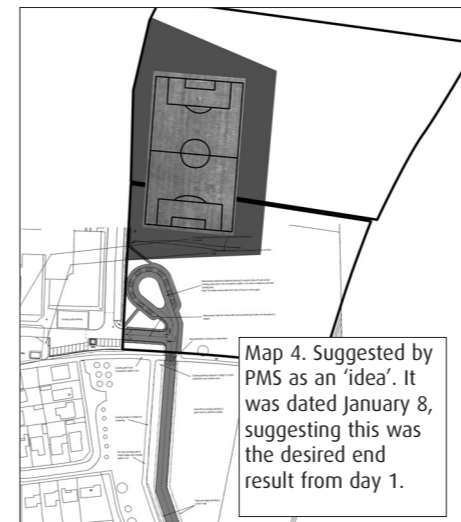
1. PMS have never had any serious intention of giving up any more land than they absolutely have to, and even then, they intend to gain from the process. They have effectively sabotaged



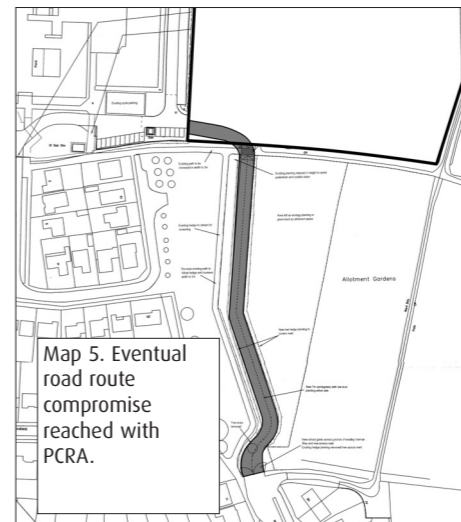
Map 2. The black route is our suggestion for limiting the damage. It was rejected by PCRA who favoured the white route



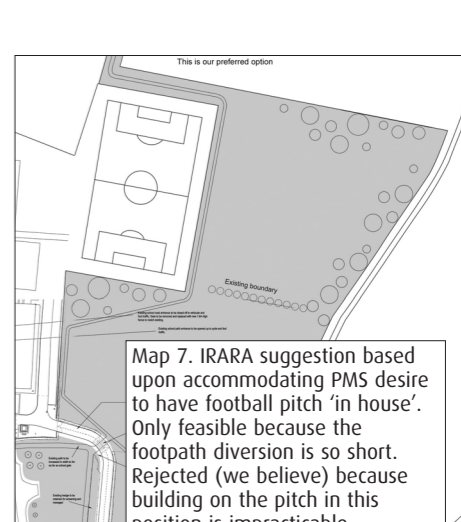
Map 3. IRARA suggestion No. 2. Also rejected by PCRA



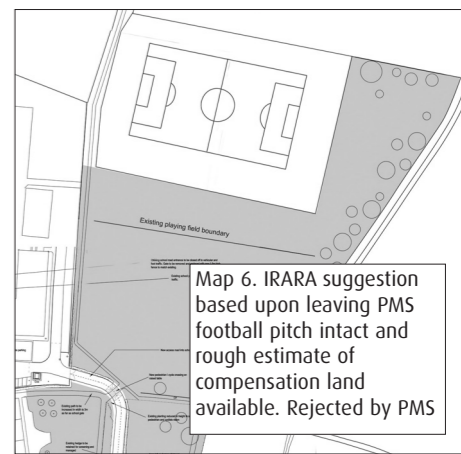
Map 4. Suggested by PMS as an ‘idea’. It was dated January 8, suggesting this was the desired end result from day 1.



Map 5. Eventual road route compromise reached with PCRA.



Map 7. IRARA suggestion based upon accommodating PMS desire to have football pitch ‘in house’. Only feasible because the footpath diversion is so short. Rejected (we believe) because building on the pitch in this position is impracticable



Map 6. IRARA suggestion based upon leaving PMS football pitch intact and rough estimate of compensation land available. Rejected by PMS