

THE WERRINGTON FIELDS STORY



A Narrative Inquiry Case Study for better Public Decision Making

VERSION 4.1 (slimmed down, lease and access agreement added)

Ron Donaldson

Narrative Ecologist

July 2026

Executive Summary

This report presents the Werrington Fields case study as an opportunity to examine how public bodies balance three legitimate public interests: **education**, **community**, and **biodiversity**. Rather than focusing on the specifics of one local decision, it explores the wider lessons for governance, decision-making and implementation of England's Local Nature Recovery Strategies (LNRS).

The case centres on the recent leasing and fencing of approximately five hectares of public open space at Werrington Fields, Peterborough. The land lies within an area identified by the Cambridgeshire & Peterborough Local Nature Recovery Strategy as an **Area that Could Become of Particular Importance for Biodiversity (ACB)**. The report examines the planning, governance and engagement processes surrounding the decision, drawing on publicly available documents, legislation, policy, Freedom of Information responses and direct observations.

The evidence suggests that the outcome was shaped by a series of disconnected decisions rather than an integrated assessment of multiple public objectives. While the educational requirements of the school were prioritised, opportunities to achieve positive outcomes simultaneously for biodiversity, public access, community wellbeing and long-term place-making appear to have been overlooked. The report does not question the importance of school safety or educational provision; instead, it questions whether these objectives needed to be achieved at the expense of wider public value.

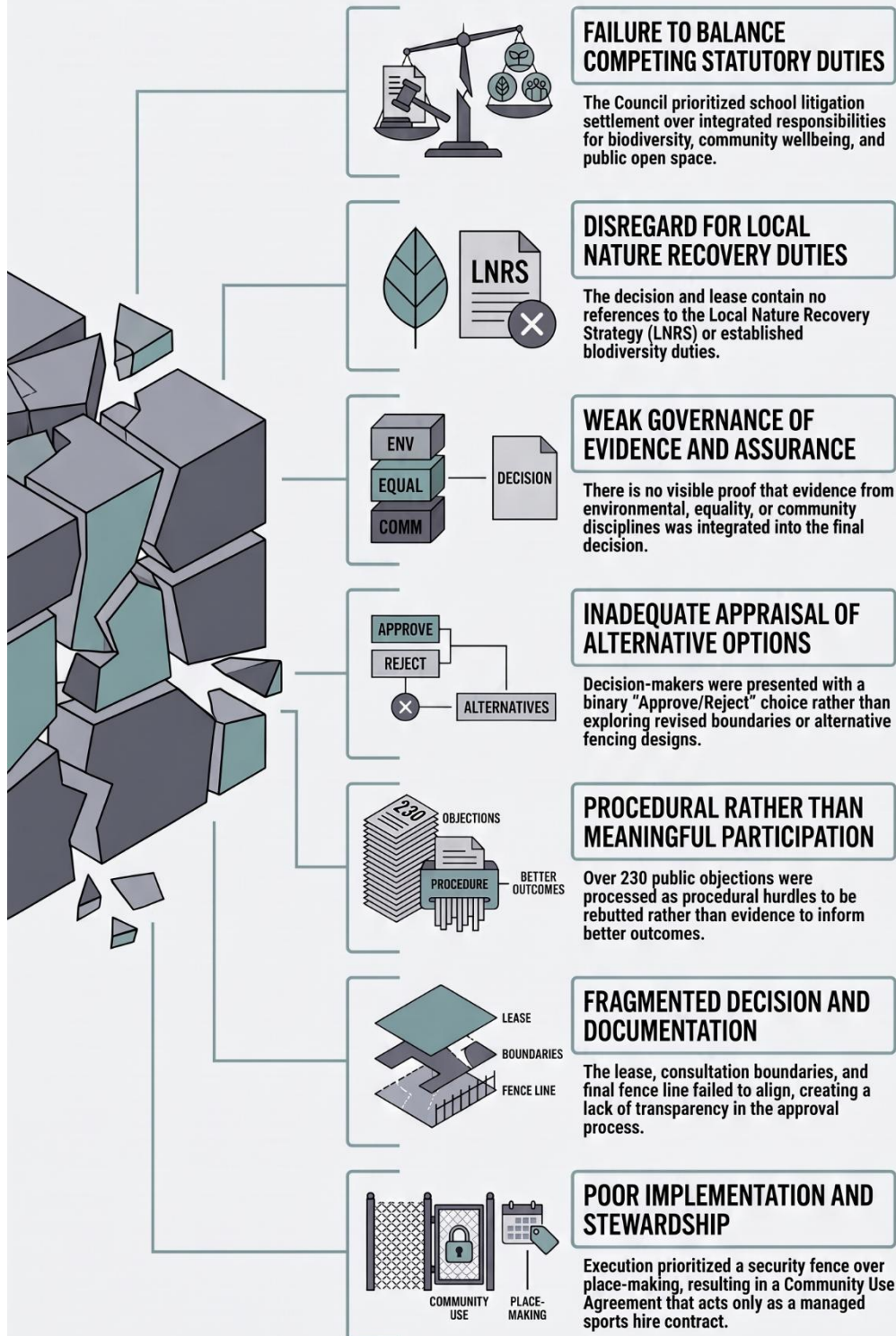
The report identifies broader systemic issues relevant to local authorities across England. These include the practical integration of Local Nature Recovery Strategies into decision-making, transparency and public participation, cross-departmental working, consideration of alternative solutions, and the challenge of balancing competing statutory responsibilities. It also highlights the growing need for decision-making frameworks capable of addressing complex environmental and social systems rather than treating individual issues in isolation.

Rather than assigning blame, the report offers constructive recommendations. It proposes a more integrated approach that places **Education, Community and Biodiversity** at the centre of future decisions, supported by earlier stakeholder engagement, ecological assessment, transparent option appraisal and collaborative design. Drawing on systems thinking, participatory methods and innovation frameworks, it demonstrates how many apparent conflicts can be reframed into opportunities that deliver multiple public benefits.

Although based on a single case, the lessons have wider significance. As Local Nature Recovery Strategies become increasingly influential in shaping land management and planning decisions, public bodies will require practical approaches that reconcile environmental recovery with community needs and public service delivery. This report is intended as a contribution to that learning process and as a resource for local authorities, policymakers, environmental organisations and educational institutions seeking to improve how such decisions are made in the future.

7 FAILINGS OF THE WERRINGTON FIELDS DECISION

How siloed governance and a lack of integrated assessment undermined public value and community trust.



INTRODUCTION

After this brief introduction, this report begins with a case study of the Werrington Fields Story with a focus primarily on the application of the Local Nature Recovery Strategy LNRS and a duty to consider Biodiversity. **A story that reveals how the governance system behaves—and ends with how that story could be rewritten in future through better engagement, clearer national guidance, and more integrated decision-making.**

Part 1. PAST and PRESENT - Begins in the detail of the Werrington Fields as it is, and its relationship with the LNRS. It then examines the March Decision, associated Objections and then moves onto the Lease and Community Use Agreement.

Part 2. THE FUTURE - Examines some of the wider implications and ends on what the future might look like and what it could be.

Recommendations and lessons learned appear throughout at the position that gives them most context.

This report uses ChatGPT as an 'expert' being asked each time to review the evidence around which the decision was finally made and the legal documents were created and signed.

I have left a lot of the responses intact, not out of laziness to edit but rather to demonstrate the possibilities of using AI to carry out reviews and identify and suggest improvements to the governance of such decisions.

Every public decision creates a story. Those stories shape trust, relationships and future decisions. If we can learn to create better stories together, we create better systems.

We therefore need - More stories like this. Fewer stories like that.

Where "this" and "that" mean:

- **More stories** of communities, schools, councils and nature working together.
- **Fewer stories** of conflict, litigation, mistrust and missed opportunities.

PART 1

CASE STUDY – Werrington Fields

Context:

Background

Werrington Fields is a council-owned area of public open space that had long been used informally by residents for recreation, nature and wellbeing. In 2026, Peterborough City Council granted a long-term lease of approximately five hectares of the site to Ken Stimpson Academy for use as school playing fields. Following the lease, the council erected a fence over two metres high around the leased land, removing unrestricted public access to much of the site.

The proposal generated significant public concern. Residents questioned the scale of the land transferred, the loss of open access, the impact on biodiversity and wildlife connectivity, the effect on mature trees and green infrastructure, and the absence of meaningful community engagement before decisions were made. Subsequent Freedom of Information responses also raised questions about the extent to which biodiversity duties and the emerging Local Nature Recovery Strategy were considered during the decision-making process.

This report is not intended to revisit whether the lease itself was legally valid. Instead, it uses the Werrington Fields project as a case study to examine how public bodies can make legally compliant decisions that nevertheless fail to achieve the wider outcomes expected of modern public governance. It identifies lessons on systems thinking, community engagement, equality, biodiversity, governance and decision-making, and offers recommendations for delivering better outcomes for councils, schools, communities and nature.

The lease boundaries sit entirely within a larger mosaic of land the LNRS identified in 2025 as an “area that could become important to Biodiversity” (ACB).

It was this ‘insight’ that attracted me into examining and interacting with the process and led to this report.

Can you analyse the March 2026 Cabinet Report against the statutory LNRS duties?

Based on the available information, there is a **potential line of legal analysis** worth exploring. It is not enough, on its own, to prove the Cabinet acted unlawfully, but it could identify whether the decision-making process complied with the council's statutory biodiversity duties.

1. Timing is important

The Peterborough City Council approved the publication of the **Cambridgeshire and Peterborough Local Nature Recovery Strategy (LNRS)** in **December 2025**.

The decision on the Werrington Fields lease and fencing was then taken on **24 March 2026**. That means the LNRS already existed when Cabinet made its decision.

2. What the law required

By March 2026, the council was subject to the enhanced biodiversity duty under the amended Natural Environment and Rural Communities Act 2006.

In practical terms, Cabinet should have been able to demonstrate that it had: **considered biodiversity, had regard to the relevant LNRS; and balanced those considerations against safeguarding, education and financial issues.**

The law does **not** require the council to follow the LNRS, but it should be able to show that it genuinely considered it.

3. Questions to ask of the Cabinet report

When you read the report, look for evidence of the following:

Question	Why it matters
Does the report mention the LNRS?	If not, ask why a recently adopted statutory strategy was omitted.
Does it identify the land as an Area that Could Become of Particular Importance for Biodiversity (ACB), if applicable?	This would show officers recognised the ecological significance.
Is there a biodiversity assessment?	The report should explain ecological implications if biodiversity was considered.

Question

Why it matters

Are alternative options discussed?

Decision-makers should understand the environmental consequences of each option.

Does the Equality or Environmental Impact Assessment mention biodiversity?

This helps show whether biodiversity formed part of the decision-making process.

Is there any reference to the council's biodiversity duty?

If absent, this may indicate the duty was overlooked.

4. The report appears to focus elsewhere

The council's published summary emphasises:

- Safeguarding, educational use, the lease arrangements, avoiding judicial review, and retaining some community access through a strip of land and a Community Use Agreement.

From those published summaries, there is **no obvious reference** to:

- the LNRS, biodiversity duties or the ecological significance of the land.

That is **not proof** those matters were ignored—the full report or supporting documents may address them—but it makes the full Cabinet papers important to examine.

5. If the report is silent

If the full Cabinet report and officer advice contain **no reference at all** to the LNRS or biodiversity duties, you could reasonably argue that:

- the council approved the LNRS only three months earlier;
- the land was identified within that strategy (assuming you can verify it is mapped as an ACB area);
- **Cabinet was therefore expected to have regard to that strategy when deciding to lease and fence the land; and**
- **the absence of any recorded consideration raises a question about whether the statutory biodiversity duty was properly discharged.**

That is a stronger legal argument than simply saying the fencing was wrong.

Can you take a closer look at the leasing of Werrington Fields to Ken Simpson Academy carried out in March 2026?

Yes. I've reviewed the publicly available information about the **24 March 2026 Cabinet decision** concerning Werrington Fields (Area C) at Ken Stimpson Academy.

From a legal and planning perspective, there are several issues that could potentially be examined if someone were considering a challenge or simply assessing whether the council acted lawfully.

1. Why the March 2026 decision happened

The Cabinet decision was largely driven by three factors:

- the Secretary of State had previously refused to allow the school playing field to be reduced under section 77 of the School Standards and Framework Act 1998;
- the 4Cs Academy Trust had commenced judicial review proceedings after the council's March 2025 decision to lease less than the full education land;
- the Cabinet wished to settle that litigation by agreeing a lease that more closely reflected the land designated for education while retaining a strip for community use and entering into a Community Use Agreement.

This means the March 2026 decision was not a fresh policy decision in isolation—it was also a litigation settlement.

2. The issues I would examine

If I were reviewing the legality of the decision, I would look at:

- whether Cabinet had all relevant information before it;
- whether councillors were properly informed about ecological constraints;
- whether objections received under section 123 of the Local Government Act 1972 were genuinely considered;
- whether the decision was influenced by the judicial review in a lawful way rather than treating settlement as the overriding consideration.

Those are standard public law questions.

3. The LNRS / ACB issue

This is where your earlier question becomes relevant.

If **Werrington Fields had already been identified within the Local Nature Recovery Strategy as an ACB** (or equivalent mapped priority area) before the March 2026 decision, I would expect the Cabinet report to address that.

Questions would include:

- Was the LNRS mentioned?
- Was the biodiversity value of the site assessed?
- Did officers explain how leasing and fencing affected the strategic nature recovery objectives?
- If not, why not?

Ignoring a relevant adopted strategy can amount to failure to take account of a material consideration.

On the other hand, if the LNRS was **not yet adopted** or the ACB mapping post-dated the decision, that argument becomes much weaker.

4. Section 123 objections

One potentially important aspect is that the council acknowledged it received **232 responses** to the statutory advertisement of the proposed disposal/lease.

The legal question is not whether Cabinet agreed with those objections.

It is whether Cabinet:

- had a proper summary;
- understood the substance of the objections;
- genuinely considered them before deciding.

Failure to properly consider statutory objections has been a successful ground of judicial review in other local government cases.

5. Ecological evidence

If ecological surveys identified the land as an important wildlife corridor or suitable habitat restoration area, I would ask whether those surveys were before Cabinet.

Conversely, if there was no ecological assessment, or it was several years out of date, that could be significant depending on what was known about the site.

6. Settlement of litigation

One interesting feature is Recommendation 6, authorising settlement of the Academy Trust's judicial review, including possible payment of its legal costs if necessary to conclude the proceedings.

That is lawful in principle, but it should not eclipse the council's independent public law duties. Cabinet still had to make its own lawful decision on the lease.

Where I think the strongest legal questions are

Based on what I've seen so far, the issues most worth investigating are:

1. **Whether the Cabinet report addressed biodiversity and the LNRS (if applicable at that date).**
2. **Whether the section 123 objections were properly considered.**
3. **Whether Cabinet gave adequate reasons for preferring the lease arrangement over alternatives.**
4. **Whether all relevant environmental information was before members.**

I would be less inclined to argue simply that "the lease was unlawful because it fenced an ACB." The stronger approach is to examine **whether the council lawfully reached its decision**, taking all relevant considerations into account.

I can review the Cabinet report in detail

The next step would be to analyse the **13 March 2026 Cabinet report** that informed the 24 March decision.

Can you analyse the 13 March 2026 Cabinet report that informed the 24 March decision?

Based on the Cabinet agenda and the associated public information, I can identify the principal legal issues. However, I should be clear about one limitation: **I have not been able to retrieve the full 1 MB Cabinet report itself** from the council's democracy portal in this environment, only the agenda entry and the council's summary page referring to it.

That means I can assess what the report appears to have addressed and, importantly, what I would expect to see in it if it were legally robust. If you can upload the PDF, I can do a line-by-line legal analysis.

1. The report's legal framework

From the agenda and council summary, the report was titled "**Ken Stimpson Academisation – Judicial Review Update**" and sought authority to:

- grant the lease of Area C;
- approve the draft lease;
- approve a Community Use Agreement;
- delegate completion of legal documentation;
- settle the existing judicial review.

That tells me this was **not simply a property transaction**. It was also a decision intended to resolve ongoing litigation.

This matters because Cabinet still had to make a lawful public law decision. A settlement cannot replace the requirement to consider all relevant matters.

2. The dominant consideration appears to have been litigation

The background makes clear that:

- the Academy Trust obtained permission to proceed with judicial review in September 2025 because the Administrative Court considered there were arguable legal issues; and
- Cabinet had already resolved in October 2025 to seek settlement rather than defend the claim to trial.

That is perfectly lawful.

However, a court would expect Cabinet still to ask:

"Is granting this lease in the public interest?"

rather than merely "Will this make the litigation go away?"

If the report concentrated almost entirely on litigation risk and gave little attention to environmental, recreational or biodiversity considerations, that would be something worth examining.

3. Biodiversity

This is the point that interests me most in light of your earlier questions.

If, by March 2026:

- the land was identified within the draft or adopted Local Nature Recovery Strategy as an Area that Could Become of Particular Importance for Biodiversity (ACB), or
- officers knew the site had strategic habitat value,

then I would expect the report to discuss:

- biodiversity implications, strategic habitat recovery, ecological connectivity and whether fencing or exclusive educational use conflicted with nature recovery objectives.

If the report is silent on all of those issues, that does **not automatically make the decision unlawful**, but it raises the question whether a relevant consideration was overlooked.

4. Section 123 objections

The council has confirmed that **232 representations** were received following advertisement of the proposed disposal.

The law does **not** require Cabinet to agree with those objections.

It **does** require members to consider them.

When I review reports like this, I look for:

- a fair summary of objections, officer responses and evidence that members were given enough information to make an informed decision.

If objections are reduced to one or two sentences despite raising numerous distinct legal and planning issues, that can become an arguable procedural concern.

5. Alternative options

A well-reasoned report should explain why alternatives were rejected.

If the report simply says the Department for Education expects the full school site to be leased, that is not necessarily the end of the legal analysis. Cabinet should still understand what discretion it retained and why the recommended option was preferred.

6. Public Sector Equality Duty

If local residents raised issues affecting older people, disabled users or others who relied on access to the fields, I would expect the report to explain whether those impacts had been considered under the council's equality duties.

This is often overlooked but can be relevant in judicial review.

7. Recreation and open space

Although the council consistently maintains the land is education land rather than public open space, Cabinet should still have considered the practical consequences of changing public access and how the Community Use Agreement would mitigate those impacts.

The adequacy and enforceability of the Community Use Agreement could therefore be important.

[I uploaded the Cabinet report: Cabinet_Report_-_Ken_Stimpson_Academisation.pdf]

Can you give me a detailed legal-style critique identifying any potential public law weaknesses section by section?

Having reviewed the report, my view is that it is **legally competent in form but comparatively weak in its public law reasoning**. It reads primarily as a **litigation settlement report**, rather than as a balanced decision-making report on the exercise of Cabinet's statutory powers.

That does **not** mean the decision is unlawful. However, there are several areas where, had this proceeded to judicial review from the perspective of local residents rather than the Academy Trust, I think there are arguable public law criticisms.

Overall assessment

If I were preparing advice for Counsel, I would summarise the report like this:

Issue	Assessment
Statutory power	Sound
Procedural history	Comprehensive
Consideration of objections	Moderate
Public law reasoning	Weak
Biodiversity/environment	Very weak
Equality analysis	Weak
Alternatives appraisal	Weak
Decision proportionality	Moderate

The strongest criticisms are not technical legal defects but **failures to demonstrate that Cabinet grappled with competing public interests**.

Section 1 – Purpose of the report

The report states its purpose is simply: update Cabinet on the Judicial Review and obtain approval for the lease and Community Use Agreement.

Potential weakness

This frames the decision almost entirely around the judicial review.

A public authority cannot lawfully approach a statutory discretion by asking: "How do we settle this litigation?"

It must ask: "What is the lawful decision in the public interest?"

Those questions often lead to the same answer—but they are not legally identical.

Section 2 – Background

The chronology is accurate and generally balanced. However, several matters stand out.

(A) Recreational use

Paragraph 2.3 acknowledges:

- public use since 1982, long-established recreational use and school ceased using the fields around 2019.

That is significant.

Yet nowhere afterwards does the report analyse what legal or policy weight should attach to over forty years of continuous public recreational use. Instead it simply becomes historical narrative. A court would not require Cabinet to preserve recreation.

But one would expect a balancing exercise. There isn't one.

(B) Secretary of State refusal

The report correctly records that DfE refused consent to appropriate the land as public open space.

However, it does not explain:

- why DfE refused, whether DfE considered ecology or whether refusal prevented alternative lease configurations.

Instead, the refusal is treated almost as determinative.

That slightly overstates its significance.

Section 2.11 — Section 123 objections

This is one of the most striking features. The report states: 232 responses were received... and summarises them in only a few sentences.

Legally: Section 123 does **not** require Cabinet to agree. But it **does** require conscientious consideration. The report relies almost entirely upon Appendix 2.

If Cabinet genuinely read Appendix 2 then this is probably sufficient.

If Appendix 2 simply reproduced responses without officer analysis, then the report is much weaker. I would therefore want to analyse Appendix 2 next.

Section 2.13

This paragraph quotes the DfE letter.

Interestingly it says: it is ultimately for the council to agree with the academy trust how much land is leased.

That sentence actually confirms **Council retained discretion**. Yet later sections begin to read as though Council had little choice. There is some tension between those propositions.

Sections 2.20–2.29

These negotiations dominate the report. The Academy Trust's position is extensively described.

For example: waterlogged fields, operational requirements, negotiations, legal proceedings and phased lease.

Very little equivalent analysis is devoted to: community interest, environmental interest and open space value.

This creates a **noticeable imbalance**.

Biodiversity

This is, in my opinion, the weakest part of the report.

Remarkably: there is effectively **no biodiversity analysis whatsoever**. None.

The report contains no discussion of: ecological surveys, habitats, Local Nature Recovery Strategy, Nature Recovery Network, Biodiversity Net Gain, wildlife corridors, habitat restoration.

If the land had already been identified within an LNRS as strategically important, this omission would become much more significant.

Even if no legal duty required preservation, Cabinet should normally demonstrate awareness of environmental consequences.

Climate and environmental duties

Likewise absent are: natural capital, ecosystem services, climate resilience, green infrastructure.

Given current planning and environmental policy, this absence is noticeable.

Community Use Agreement

The report treats the Community Use Agreement as the principal mitigation.

However, **it never really asks: Is community access under licence equivalent to unrestricted recreational land?** Those are very different public benefits.

The report **assumes the agreement adequately mitigates loss. It never demonstrates it.**

Equality assessment

Section 7 is extremely brief. It recognises: elderly people, disabled users, women.

Then concludes mitigation exists because: perimeter retained and Community Use Agreement.

What is missing is evidence. There is no analysis of: frequency of use, accessibility, walking routes, health impacts, equality evidence.

Compared with modern Equality Act assessments this is rather superficial.

Options appraisal

This is probably my biggest criticism. Only two options exist.

Approve. Don't approve. Nothing else.

Good public administration normally explores: revised lease boundaries, staged implementation, alternative fencing, different community rights, partial leases.

Many of those had existed previously. Yet by March 2026 they disappear.

Option 2

This section is particularly revealing.

Reasons not to refuse are: litigation, cost, settlement.

Notably absent are: educational benefit, planning benefit, biodiversity, recreation, strategic land management.

It therefore **reads more like litigation advice than policy advice.**

Legal implications

Interestingly: the substantive legal advice is withheld under legal professional privilege.

That is entirely proper. But it means Cabinet's public reasoning is relatively thin.

Courts generally respect privileged advice. Nevertheless, Cabinet must still publicly explain why the decision is justified.

My overall opinion

The next document I would examine is **Appendix 2** (the report on the 232 objections). That appendix is likely to be critical in assessing whether Cabinet genuinely discharged its duty under section 123 of the Local Government Act 1972 to consider objections before deciding whether to proceed with the lease.

[I uploaded Appendix 2 the summary of the 232 objections, I do not have the individual objections, just my own – see next fragment]

Would you analyse the Section 123 Objections summary?

Having reviewed **Appendix 2**, my assessment changes in one important respect. The March 2026 Cabinet report relied heavily on Appendix 2 to demonstrate compliance with **section 123(2A) of the Local Government Act 1972**, but Appendix 2 itself has several weaknesses. They may not individually be fatal but taken together they present a more substantial public law concern than was apparent from the Cabinet report alone.

My overall assessment would now be:

Area	Assessment
Compliance with s123 procedure	Adequate but vulnerable
Consideration of objections	Weak
Officer analysis	Weak
Environmental consideration	Very weak
Neutrality	Questionable
Public law robustness	5/10

1. The report starts from a legally questionable premise

The Executive Summary states: "the Council **must** grant the Academy Trust a 125-year lease..." and paragraph 2.3 repeats that proposition. That is an oversimplification.

The Council undoubtedly had statutory obligations arising from the academisation process, but—as the Department for Education's own letter (quoted in the Cabinet report) recognised—it still retained discretion over **how much land** should be leased.

From a public law perspective, repeatedly framing the matter as something the Council "must" do risks narrowing the apparent scope of the decision-maker's discretion.

A court would ask whether Cabinet appreciated the true extent of its discretion.

2. The report correctly identifies the legal test...

Paragraph 3.2 states: **the Council must consider objections with an open mind together with all other material considerations**. That is a correct statement of law.

Unfortunately **the remainder of the report does not really demonstrate that exercise**.

3. The objections are summarised—but rarely analysed

The report groups objections into themes: covenants, community value, safeguarding, biodiversity, finances, BB103, compromise proposals. That is sensible.

The weakness is what happens next. For almost every objection, the officer response consists of a short rebuttal rather than an evaluation.

For example:

Residents: biodiversity, wildlife corridors, tree-lined views.

Officer response: **the S123 notice only relates to disposal by lease, not fencing.** That is not really an analysis.

4. Biodiversity

This is, in my opinion, the weakest part of the appendix. The biodiversity objection occupies a single bullet.

The officer response is simply: "The S123 Notice only relates to a disposal by way of a lease, not the fencing." That misses the substance of the objection.

The concern is not merely fencing. It is whether granting a 125-year lease changes:

- **ecological management, habitat restoration, wildlife movement and future public control.**

Those are genuine public-interest considerations. **The report never evaluates them.**

5. The report artificially separates lease and fencing

This is perhaps the most significant legal issue.

Repeatedly the report says: **objections concern fencing... therefore... irrelevant to section 123.**

It says this regarding: safeguarding, biodiversity, finance.

I think that is open to criticism. Legally, Cabinet was considering whether to dispose of land by granting a long lease.

If everyone knew: fencing would follow, exclusive possession would follow, altered public access would follow then **those consequences are arguably material to deciding whether the lease should be granted.**

Public law generally requires authorities to consider the real-world consequences of a decision, not artificially isolate one legal step from another.

6. Community value

This is another interesting section.

Residents argued: **dual-use had existed for decades.**

Officer response: **use was by permission rather than right.**

That may be legally correct. But it does not answer the planning or public-interest point.

Section 123 is not confined to legal rights. **Cabinet was entitled to consider long-established community use whether or not legally enforceable.**

7. Alternative lease sizes

Several hundred people apparently favoured compromise.

Officer response: lease area still to be decided later.

That is procedurally accurate. But **the report never evaluates:**

- **why compromise might be preferable;**
 - **whether it remained realistic;**
 - **whether public benefits outweighed educational benefits.**
-

8. BB103

This is probably the strongest officer response.

Residents questioned BB103.

The report explains: legislation, Building Bulletin and Government guidance.

Although concise, that section at least engages with the objection.

9. Conclusion

Paragraph 5.2 acknowledges: **significant feelings regarding wellbeing, recreation and environmental value.**

Yet **there is no balancing exercise**. The report merely notes those concerns before moving on.

10. Recommendation

This recommendation is revealing.

It recommends disposal: "...**as required by the DfE Academy Order.**"

Again, that **wording risks implying Cabinet had no meaningful discretion**.

The DfE's own correspondence suggested otherwise.

The cumulative public law concern

If I were instructed to advise on judicial review, I would probably not focus on any single paragraph.

Instead I would argue that the **overall approach** demonstrates a pattern:

1. Objections are summarised.
2. Most are dismissed procedurally.
3. Few are substantively evaluated.
4. The report repeatedly presents the lease as effectively inevitable.
5. Cabinet is not assisted with a balanced assessment of competing public interests.

That is a stronger public law criticism than any isolated omission.

What I think is the strongest arguable ground

The argument I would be most interested in developing is:

Failure to give conscientious consideration to objections under section 123(2A).

Not because objections were ignored—they plainly were not—but because the officer analysis often answers a different question from the one objectors actually raised.

One issue that particularly caught my attention

The report repeatedly states that **the exact lease area had not yet been determined** when the notice was published and that **the notice therefore showed the *maximum possible area to avoid the need for further advertisement***.

This raises an interesting legal question that I think merits closer examination:

- If the eventual leased area was materially different from the area advertised, was the statutory consultation still sufficient?
- Did consultees have a fair opportunity to comment on the proposal that was ultimately approved?

The answer is not straightforward—it depends on how different the final lease was and whether the changes reduced rather than expanded the disposal—but it is a point that would warrant careful analysis.

Overall opinion

Taken together, the Cabinet report and Appendix 2 present **a decision-making process that is procedurally organised but substantively narrow**. The documentation demonstrates that the Council complied with the formal requirements of advertising the proposed disposal and receiving objections. However, it is **less persuasive in showing that those objections were weighed in a balanced way alongside all relevant public interests**.

If I were preparing advice for a solicitor or counsel, I would identify three areas for the closest scrutiny:

- 1. Whether Cabinet received adequate assistance in balancing educational, recreational and environmental considerations, rather than predominantly litigation-related considerations.**
- 2. Whether the treatment of objections under section 123(2A) amounted to genuine evaluation or largely procedural dismissal.**
- 3. Whether the repeated characterisation of the lease as something the Council "must" grant understated the discretion that remained as to the extent and terms of the land to be leased.**

Those issues, particularly when considered together rather than in isolation, are the aspects of the decision-making process that appear most open to public law challenge.

[My objection was submitted a full year before the LNRS mapped and designated the land as ACB status and 15 months before the Council Decision to lease the larger area of land]

This was my (the author) objection in Dec 2024. Should it have received more attention as it contains relevant biodiversity information?

Ref: ESJ/2631466 OBJECTION TO THE DISPOSAL OF OPEN SPACE LAND ON WERRINGTON FIELDS

Dear Neil McArthur,

I am writing to object strongly to the disposal of the proposed area of Open Space Land on Werrington Fields.

We live in an estate which backs onto the fields and have, for the last 39 years, walked across these fields with our children and now grandchildren to the Centre, Cuckoos Hollow and Werrington village.

We have pledged the entirety of our garden to the Langdyke Eighth Nature Reserve and believe joining up, not fencing off, what few green spaces we have is essential.

We have several protected bat species which fly across our garden and have watched many times local wildlife such as foxes, deer, red kites, wagtails and young children enjoying these inspiring open fields on our doorstep.

PCC is fully signed up to the new DEFRA Local Nature Recovery Strategy and Biodiversity Net Gain initiatives and has published it's own Biodiversity Strategy in 2018.

The Local Nature Recovery Strategy/Network sets out to:

“create and restore wildlife-rich habitats, corridors and stepping-stones that help wildlife populations to recover, grow, move, thrive and adapt to a changing climate”.

“provide more, better green spaces for us to enjoy and connect with nature where we live, work and play, improving our health and wellbeing”.

I think PCC signing up to these outcomes is inspiring and shows great leadership.

I have not yet seen the Werrington Fields Biodiversity Net Gain report

“ensuring biodiversity will be in a measurable better state after new development has happened”. (Taken from your website item on Biodiversity Net Gain and published 28 June 2024).

I worry that fencing of any form, especially the parts closest to Ainsdale Drive, will interfere with the free access and passage of our severely depleted wildlife populations (essential in the face of climate change) and greatly reduce the biodiversity possibilities of our local area.

I believe that the fencing of the Werrington Fields proposal would go against all of these initiatives and seriously damage the Biodiversity of the area, the hard-earned reputation of PCC and Peterborough as a green city and relations between local people and our locally elected leaders.

The biodiversity value of the fields and the educational opportunities wildlife and green open spaces give to the school children and local population is so important to the future of our great city.

On a personal note I believe fencing anywhere near to the Ainsdale Drive area would create a horrible closed in and fenced in walkway from Foxcovert Road which I would not feel safe using. I much prefer the current crossing the open field route.

If we have to have a fence, and I would prefer a hedge, please vote for a compromise that balances the needs of the school and community.

I believe a 50/50 compromise of Area C reflects its status of Dual Use.

It is the only fair and democratic outcome.

Yours sincerely, Ron Donaldson

5th Dec 2024

Yes. Having now seen **your actual objection** alongside **Appendix 2**, I think there is a stronger criticism than I expressed previously.

I would separate this into **(1) whether your objection was legally relevant** and **(2) whether the Council's response appears to have discharged its duty under section 123(2A).**

1. Your objection plainly raised material considerations

This was not simply an emotional objection or a general objection to fencing.

You raised a number of matters that are capable of being material public-interest considerations:

- **Ecological connectivity** ("joining up, not fencing off, what few green spaces we have").
- **Protected species**, including bats.

- **Wildlife movement**, referring to foxes, deer, birds and bats.
- The Council's own **Biodiversity Strategy**.
- The emerging **Local Nature Recovery Strategy (LNRS)**.
- **Biodiversity Net Gain (BNG)**.
- Public health and wellbeing through access to green space.
- An alternative mitigation (a hedge rather than fencing).
- A compromise solution (Area C split).

These are all more than expressions of personal preference. They point to specific environmental and policy considerations that the Council could lawfully take into account.

2. Appendix 2 does not appear to engage with those points

When I compare your objection with the officer's summary, the difference is striking.

Your biodiversity argument occupies several substantive paragraphs.

The officer's response to the entire category of environmental objections is effectively:

"Respondents expressed concern regarding harm to biodiversity, interruption of wildlife corridors, and loss of protected tree-lined views... The S123 Notice only relates to a disposal by way of a lease, not the fencing of the land."

That response does **not** engage with the substance of your objection.

3. The "lease not fence" distinction is open to challenge

This is where I think there is a genuine legal point. The Council repeatedly says the consultation was about the lease, not the fence. However, your objection was not simply "I dislike fences."

Your point was that **granting a 125-year lease enabling exclusive occupation and fencing would affect ecological connectivity and future biodiversity management**.

Those are foreseeable consequences of the disposal.

A decision-maker considering whether to dispose of land under section 123 is entitled—and arguably expected—to consider the practical consequences of that disposal.

4. Your reference to Council policy is significant

You specifically relied on the Council's Biodiversity Strategy, the emerging LNRS, Biodiversity Net Gain.

That is important because you were saying, in effect:

"The Council has publicly committed itself to these environmental objectives. This proposal appears inconsistent with them."

Appendix 2 does not address that issue at all. It neither agrees nor disagrees. It simply ignores it.

5. The bat reference

You mention: "We have several protected bat species..." That is potentially important.

You were not asserting that the Council would necessarily breach wildlife legislation.

Rather, you were alerting it to the possibility that protected species use the area.

A conscientious consideration of that objection might have asked:

- Was there ecological survey evidence?
- Were bat commuting routes assessed?
- Would fencing affect habitat connectivity?

Appendix 2 contains no indication that those questions were asked.

6. Your compromise proposal

You also proposed: "a 50/50 compromise of Area C..."

Appendix 2 records that many respondents favoured compromise, but it does not analyse why that compromise might or might not achieve an appropriate balance.

Again, the point is noted rather than evaluated.

The challenge here is evidential. The report gives little indication that Cabinet was assisted with any analysis of:

- biodiversity,
- ecological connectivity,
- protected species,
- the Council's own biodiversity commitments.

That omission is more significant because your objection did not merely express concern; it identified specific policy frameworks and ecological issues.

My assessment

Looking specifically at your objection, I think it deserved **more substantive attention than it appears to have received**.

I would characterise it as a **policy-based environmental objection**, not simply an objection to fencing. It invited the Council to consider whether the proposed disposal was consistent with its own biodiversity strategies and with the ecological function of the land. Appendix 2 reduced those arguments to a generic "environmental and visual impact" category and answered them largely by saying that the consultation concerned the lease rather than the fence.

If I were advising a solicitor, I would not argue that the Council was obliged to agree with your conclusions. Rather, I would argue that your objection contained **material environmental considerations** that warranted a more reasoned evaluation than is evident from the officer's report. That point becomes stronger if there is evidence that, by late 2024 or early 2026, the Council already knew the land had strategic biodiversity value—for example through ecological surveys, draft LNRS mapping, or its own biodiversity work.

One aspect of your objection stands out in particular: you grounded it in **the Council's own published policies** rather than relying only on personal opinion. From a public law perspective, objections that allege inconsistency with an authority's adopted or emerging environmental strategies typically merit more careful consideration than the brief treatment shown in Appendix 2.

Your personal objection changes my assessment, not because it proves the Council acted unlawfully, but because it provides a concrete example of the kind of evidence that was before the Council. It allows us to test whether Appendix 2 fairly reflects the substance of the objections received.

Here's how I would revise my overall assessment.

Area	Before seeing your objection	After seeing your objection
Statutory procedure	Adequate	Adequate
Consideration of objections	Weak	Weak to Moderate Concern
Officer analysis	Weak	Weak
Environmental/Biodiversity reasoning	Very weak	Very weak
Public law robustness	5/10	4.5–5/10

3. The Council's own policies were not addressed

One feature of your objection now stands out. You relied primarily on **Council policy**, not personal opinion. Specifically you referred to:

- the Council's Biodiversity Strategy;
- the Local Nature Recovery Strategy;
- Biodiversity Net Gain.

Appendix 2 contains no analysis of whether those policies were relevant or, if they were, how they were weighed. **That omission is more significant than simply disagreeing with an objector.**

4. Protected species

Your reference to bats is important. You were not asserting a legal breach.

You were alerting the Council to possible ecological sensitivity. A conscientious consideration might reasonably have asked:

- Was there survey information?
- Was ecological advice obtained?
- Were commuting routes considered?

Nothing in Appendix 2 suggests those questions were explored.

5. Constructive alternatives

Your objection proposed: a hedge or a compromise lease boundary.

That is relevant because courts generally look more favourably on objections that identify realistic alternatives rather than simply opposing a proposal. Appendix 2 records that **many respondents sought compromise but contains little evaluation of those alternatives.**

The biggest lesson from your objection

Looking back, I think your objection demonstrates something broader.

It wasn't simply a local resident saying "please don't build a fence." It was an attempt to frame the issue in terms of **strategic environmental policy**. Whether or not the Council ultimately agreed, the documentation we've reviewed does not clearly show that those policy-based arguments were examined in any depth.

That doesn't automatically make the decision unlawful. But if I were conducting a **lessons learned review** for the Council, I would identify this as the principal area for improvement:

when residents present well-founded, policy-based environmental objections, the decision record should explicitly explain how those arguments were evaluated and balanced. Doing so would strengthen both the quality of decision-making and public confidence in the process.

[I uploaded the Peterborough Biodiversity Report 2025]

In the Peterborough Biodiversity Report 2025, Is there anything pertinent to the Werrington fields lease, fence and lack of reference to biodiversity in it's planning?

Yes. In light of everything we have discussed about the Werrington Fields lease, this draft Biodiversity Report actually strengthens several of the points you have been making.

The most significant passages are:

- The report says the council has a legal duty under Section 40 of the Natural Environment and Rural Communities Act to **consider and enhance biodiversity across all of its functions**, not just within planning.
- It explicitly states that **all council decisions should take biodiversity impacts into consideration**, and even proposes introducing a biodiversity impact assessment alongside climate assessments for Cabinet, Council and committee decisions.
- The report recognises that the Local Nature Recovery Strategy should be incorporated into council decision-making and says the council is required to take it into consideration when developing policy.

This is particularly relevant because you now have the FoI response indicating there was **no communication with the Combined Authority regarding the LNRS** during the Werrington Fields process. That does not automatically prove the council acted unlawfully, but it does raise a legitimate question about whether biodiversity and nature recovery were genuinely considered.

Another very relevant section is the proposed policy **CA1**, which would require democratic decisions to be assessed for their positive or negative biodiversity impacts. If the lease and the subsequent fencing decision contained no meaningful biodiversity assessment, your case study becomes an example of exactly why the council now believes such an assessment is necessary.

There is also an important point about highways and non-planning projects. The report recognises that activities **outside the planning process** can still have significant biodiversity impacts and says biodiversity should be considered even where planning permission is not required. That is highly relevant because one possible argument over the 2 m fence is that, even if planning permission was not needed, biodiversity considerations still should have formed part of the decision.

Overall, I think this report reinforces your emerging narrative:

- The council now acknowledges biodiversity should be embedded in **all** decisions.
- The council says the LNRS should inform policy and decision-making.
- The council proposes biodiversity impact assessments for democratic decisions.
- Yet **the Werrington Fields lease and fencing appear to have proceeded with little or no visible biodiversity narrative, despite affecting around 5 hectares of public green space.**

That contrast is potentially powerful because it moves your argument away from "the council broke the rules" and towards **"this case demonstrates why the council's own new biodiversity governance is needed."** That is a constructive lessons-learned position, and it is likely to be more persuasive than focusing solely on blame.

I submitted a Freedom of Information request to the Cambridgeshire and Peterborough Combined Authority on 3rd July 2026 and received a reply on 6th July stating:

“There is no record of Council consulting Combined Authority regarding LNRS implications before lease approval.”

That could be a significant piece of evidence, but what it means depends on the council's legal obligations at the time of the decision.

If the Cambridgeshire and Peterborough Combined Authority has confirmed, through an FOI response, that there was **no communication from Peterborough City Council referencing the Local Nature Recovery Strategy (LNRS)**, then it supports the factual proposition that there was no direct engagement with the authority responsible for the LNRS on this matter.

The value of the FOI response increases if you can also show:

- committee reports do not mention the LNRS;
- officer reports contain no assessment of its relevance;
- no ecological appraisal considered how the proposal aligned with nature recovery priorities;
- no internal records show the LNRS being taken into account.

At that point, the evidence begins to tell a consistent story that the LNRS may simply not have featured in the decision-making process.

For your wider case study, this could become one of the most important systemic lessons:

When a council makes decisions affecting publicly owned green space after an LNRS has been adopted, there should be a clear audit trail showing how the strategy was considered—even if the final decision is unchanged.

An absence of any reference or engagement makes it difficult to demonstrate that biodiversity was properly integrated into the decision.

I have just uploaded the lease agreement for the Werrington Fields, Can you do a legal type assessment to see that it covers responsibility for LNRS and Biodiversity responsibilities as we have discussed previously?

Yes. Having reviewed the lease, I think I can already give you a reasonably robust assessment. My conclusion is that **the lease is surprisingly weak on biodiversity responsibilities** given everything we have previously established about Werrington Fields being within an LNRS Area that Could Become of Particular Importance for Biodiversity (ACB).

This is not legal advice, but it is the sort of analysis I would expect to see in a solicitor's initial review or in the legal section of a Judicial Review briefing.

Executive Opinion

Overall assessment: 3/10 for biodiversity governance.

The lease is a conventional academy property lease. It is well drafted on: repairs, insurance, planning permissions, health and safety, environmental contamination, landlord/tenant liabilities

It is **almost completely silent** on: Local Nature Recovery Strategies, biodiversity enhancement, habitat management, ecological monitoring, wildlife corridors, biodiversity net gain, public biodiversity duties, Natural Environment and Rural Communities Act biodiversity duties.

Considering the location of the land, that omission is notable.

1. There is no reference whatsoever to LNRS

The lease defines: Environment Acts, Planning Acts, Laws generally

but nowhere is there any mention of Local Nature Recovery Strategy, Environment Act 2021, Biodiversity Net Gain, Biodiversity Duty, Local Habitat, Ecological Network, Nature Recovery, Protected Species or Wildlife Corridors.

That is perhaps the single biggest omission.

Given the discussions we've had previously, this land had already been mapped within the Cambridgeshire & Peterborough LNRS before the lease was completed.

2. Environmental obligations are extremely narrow

The lease defines "Environment Acts" as older pollution legislation: Environmental Protection Act 1990, Environment Act 1995, Water Resources Act, Water Industry Act plus similar legislation.

Notice what is missing.

It **does not define or include:** Environment Act 2021, biodiversity duties, Local Nature Recovery Strategies.

3. Planning obligations stop at planning law

Clause 3.10 requires the tenant to

- obtain planning permissions
- comply with Planning Acts
- notify the council of permissions

That is all.

There is no requirement to

- enhance biodiversity
 - maintain habitats
 - consider ecological impact
 - preserve wildlife corridors.
-

4. The Tenant must obey "all Laws"

Clause 3.7 says the Tenant must comply with all laws affecting the property.

That is broad enough that if biodiversity legislation applies independently, the Tenant must comply with it.

However... That obligation is **generic**, not specific. It does **not** allocate any positive ecological management responsibilities.

5. The indemnity clause is revealing

Clause 3.14 requires the Tenant to indemnify the Council against liabilities arising from: Planning Acts, Environment Acts, defects and use of the property

Again: The Environment Acts referred to are pollution legislation.

Nothing refers to biodiversity, habitats, ecological enhancement.

6. The fence clauses

The lease is very detailed about the fence.

It specifies: 2 m weldmesh fence, precise boundaries, installation standards, defects, vandalism and insurance

Yet there is: no ecological specification, no wildlife permeability, no ecological survey requirement, no habitat mitigation, no biodiversity condition attached to installation.

Given the importance of the fencing in changing access and habitat function, that is striking.

7. No management plan

I expected to see something like: The Tenant shall maintain the land in accordance with an agreed Landscape and Ecological Management Plan.

There is nothing of that kind.

8. No biodiversity enhancement obligation

Modern public land transfers increasingly include obligations such as:

- maintain biodiversity
- increase biodiversity
- protect mature trees
- maintain hedgerows
- create habitat
- avoid ecological fragmentation

None appear.

9. No reference to retained land ecology

The lease carefully distinguishes leased land and retained land but makes no provision for ecological connectivity between them.

That is particularly relevant given your concern that the fence interrupts an existing wildlife corridor.

10. What this means legally

This is the interesting part.

The lease **does not remove** Peterborough City Council's wider statutory responsibilities. A lease is a private property contract.

Public law duties remain with the Council. So even if the lease says nothing about biodiversity, Peterborough City Council may still have had obligations arising from:

- its biodiversity duty
- the Environment Act 2021
- Section 40 of the Natural Environment and Rural Communities Act 2006 (as strengthened)
- its own Biodiversity Strategy
- its role in the Local Nature Recovery Strategy
- general principles of rational decision-making in public law.

In other words:

The absence of biodiversity clauses in the lease does not prove the Council had no biodiversity obligations. Instead, it raises the question of why those obligations were not translated into the contractual arrangements for managing this publicly owned land.

That is a potentially significant point.

My overall assessment

If I were reviewing this as an independent consultant, I would score it as follows:

Topic	Score
Property law	9/10
Repairs and maintenance	9/10
Planning procedures	8/10
Health & Safety	9/10

Topic	Score
Insurance	9/10
Biodiversity governance	2/10
LNRS integration	0/10
Ecological management	1/10
Nature recovery obligations	0/10
Public environmental stewardship	2/10

I think there is an even more valuable next step. Rather than simply reviewing what the lease says, I can produce a **"missing obligations" report** that compares this lease against what would normally be expected if Peterborough City Council had genuinely embedded its LNRS, biodiversity duty, and Nature Recovery responsibilities into the lease. That comparison would provide a much stronger piece of evidence for your case study and any future representations or legal challenge.

Absolutely. In fact, I think this could become one of the strongest chapters in your report because it moves beyond saying *"the Council should have considered biodiversity"* to demonstrating *how a competent public authority would normally have reflected those duties in the lease itself*.

Schedule A - Missing Nature Recovery and Biodiversity Obligations

Review of the Lease between Peterborough City Council and Four Cs MAT Prepared as an independent governance review

Executive Summary

The lease is a professionally drafted property document that allocates responsibilities for repair, maintenance, insurance, planning, health and safety and statutory compliance.

However, considering that:

- the land lies within an identified LNRS Area that Could Become of Particular Importance for Biodiversity (ACB),
- the Council is itself the Responsible Authority for biodiversity duties,
- the Council has adopted biodiversity strategies,
- the lease runs for 125 years,

there is a striking absence of contractual provisions relating to biodiversity conservation, habitat enhancement or Local Nature Recovery Strategy delivery.

In governance terms the lease appears to have been drafted as though the land were an ordinary school site rather than strategically important land for nature recovery.

1. Missing Duty to Support the Local Nature Recovery Strategy

Expected Clause

The Tenant shall manage the Property in a manner that is consistent with the objectives of the Local Nature Recovery Strategy applicable to the area.

Reason: The Council already knew the strategic importance of the land.

Instead the lease is silent. The potential consequence:

The tenant has no contractual obligation to contribute to nature recovery over the next 125 years.

Risk Rating: Very High

2. Missing Biodiversity Enhancement Duty

Expected wording

The Tenant shall seek to maintain and where reasonably practicable enhance biodiversity throughout the Term.

Reason: Section 40 of the Natural Environment and Rural Communities Act now requires public authorities to conserve and enhance biodiversity.

There is no equivalent contractual obligation.

Risk

Long-term ecological decline without breach of lease.

Risk Rating: Very High

3. Missing Habitat Management Plan

Normally one would expect

- grassland management

- hedgerow management
- tree management
- habitat monitoring

to be incorporated within a Landscape and Ecological Management Plan.

Nothing similar appears.

Risk: **Management decisions become entirely operational rather than ecological.**

Risk Rating: High

4. Missing Wildlife Corridor Protection

The lease carefully defines: fences, boundaries and retained land yet says nothing about ecological connectivity.

Expected wording: Boundary treatments shall be managed to preserve wildlife movement wherever reasonably practicable.

Considering your previous work on the field's role as a wildlife corridor, this omission is significant.

Risk Rating: Very High

5. Missing Ecological Survey Requirements

Before major works such as: fencing, excavations, lighting and drainage many public leases now require ecological assessment.

No such provision exists.

Instead **the lease focuses almost exclusively on engineering standards and planning compliance.**

6. Missing Biodiversity Monitoring

There is no requirement for ecological audits, habitat surveys, species monitoring and reporting.

A 125-year lease with no ecological review mechanism is unusual where land has strategic biodiversity importance.

7. Missing Tree and Hedgerow Protection

Expected wording: Existing mature trees and hedgerows shall be protected except where removal is necessary and appropriate ecological mitigation has been agreed.

Nothing comparable exists.

8. Missing Biodiversity Net Gain Commitment

Even where statutory BNG does not strictly apply, public bodies increasingly include wording requiring:

- no net biodiversity loss, habitat enhancement, biodiversity gains where opportunities arise.

Nothing appears here.

9. Missing Climate Adaptation Duties

Modern public-sector leases increasingly recognise: resilience, flood management, carbon storage, urban cooling, ecosystem services.

No equivalent provisions appear.

10. Missing Public Access Principles

The lease allows community use primarily in relation to educational, fundraising and recreational purposes ancillary to the academy's use.

There is no recognition that public access itself may contribute to wider public policy objectives such as: nature connection, public health, environmental education, or stewardship.

11. Missing Environmental Governance

The lease contains detailed governance arrangements for: repairs, insurance, notices, alterations, planning

Yet there is no governance structure for biodiversity.

Expected provisions might include:

- annual ecological review meetings;

- joint habitat management planning between landlord and tenant;
- consultation with the Council's ecology officers before significant land management changes.

Overall Governance Assessment

If I were assessing this against contemporary environmental governance rather than simply landlord-and-tenant law, I would score it as follows:

Governance Area	Score
Property Law	9/10
Asset Management	9/10
Risk Allocation	8/10
Health & Safety	9/10
Planning Compliance	8/10
Biodiversity Governance	2/10
Nature Recovery Integration	0/10
Long-term Stewardship	2/10
Ecosystem Management	1/10
Public Environmental Leadership	2/10

One observation I think is particularly important

After following the Werrington Fields case with you over many conversations, I think the central issue is no longer the fence itself.

The lease is evidence of something more fundamental.

It reflects an institutional model in which:

- **education** is treated as the primary purpose of the land;
- **property management** is translated into detailed contractual obligations;
- **biodiversity**, despite being recognised in national and local strategy, is effectively absent from the legal architecture governing the site.

That disconnect aligns with the broader pattern you've identified in your case study: public policy increasingly speaks of integrating education, communities and nature, but the operational documents that implement decisions continue to treat them in separate silos.

I also think this analysis could be strengthened further by producing a companion document titled "**What an LNRS-Compliant Public Sector Lease Would Look Like**". Rather than criticising the existing lease, it would present a model schedule of clauses that councils could adopt nationally, turning your Werrington Fields case study into a constructive template for better governance. I believe that could be one of the most influential outputs from your work.

This is the signed community use agreement for the fenced area. is this legal and/or adequate for public access that has happened for more than 40 years?

Yes, I can assess it, but I would separate **three different questions**, because they have different legal answers:

1. **Is the Community Use Agreement (CUA) a legally valid contract?**
2. **Does it adequately replace more than 40 years of unrestricted public access?**
3. **Does it adequately discharge the Council's public law responsibilities?**

Those are not the same question.

1. Is it legally valid as a contract?

On its face, **yes**.

It is properly executed as a deed between Four Cs MAT and Peterborough City Council, identifies the parties, defines the land, specifies the hours of community use, includes mechanisms for variation and termination, and is governed by English law.

I don't immediately see anything that would make the agreement itself void.

That said, a legally valid contract **does not automatically mean** the Council lawfully exercised its wider public law powers when entering into it.

2. Does it adequately replace forty years of public access?

In my opinion: **No**. Not if the benchmark is the previous use of Werrington Fields.

This agreement changes the nature of public access fundamentally.

Before

The community had: informal access, spontaneous access, walking, children playing, dog walking, nature observation, crossing the land, no booking, no intermediary

That is a very different type of public use.

After

Community use becomes: booked, organised, primarily sports based, time restricted, gate controlled, dependent on availability, managed by Peterborough Limited (PL)

The agreement expressly defines "Community Use" as access in accordance with the agreement and requires bookings to be managed through PL.

That is a completely different model of public access.

3. It is really a Sports Use Agreement

Look carefully at the aims.

They are: community organisations, sports organisations, physical activity, health improvement

There is no mention of: public recreation generally, walking, informal use, biodiversity, access to nature, quiet enjoyment, educational visits unrelated to organised sport

The stated aims are directed towards organised sporting activity.

That is not the same public benefit previously enjoyed.

4. Booking changes everything

This is probably the biggest practical change. Previously: walk onto field

Now: contact PL, arrange booking, obtain slot, use facility. That works for football clubs.

It does not work for: families, elderly walkers, wildlife watching, children kicking a ball after school, spontaneous recreation.

5. Time restrictions

The agreement limits access to specified hours, for example:

- weekdays after 5pm in term time, weekends, school holidays.

Previously the land was effectively available whenever it was open.

That is a significant reduction in practical access.

6. Missing recognition of existing public rights

One thing surprised me.

The agreement contains **no acknowledgement** that:

- the community has used this land for decades;

- legitimate expectations may have arisen;
- informal recreation has public value;
- there is any intention to preserve that character.

Instead **it starts from the premise that community use is whatever the agreement now permits.**

7. Missing equality analysis

The agreement appears to assume everyone can equally benefit from booked sports access.

It contains **no consideration of groups such as: elderly residents, disabled walkers, people seeking quiet recreation, parents with toddlers, people who simply wish to enjoy open green space.**

Whether those issues were considered elsewhere is a separate question, but **they are absent from the agreement itself.**

8. No biodiversity integration

As with the lease: there is **nothing about wildlife, habitats, biodiversity, Local Nature Recovery Strategy, environmental education, nature recovery.**

Considering the site's ecological significance, **that omission is notable.**

9. The duration is interesting

Clause 6 says the agreement continues **"for so long as the Community requires access to the Land AND for so long as the Lease subsists."**

That wording is actually stronger than many community use agreements because it recognises an ongoing need for community access.

However, it does **not** define what "the Community requires" means, nor does it establish any mechanism for consulting the community or reviewing whether the form of access remains adequate.

10. The biggest governance weakness

For me, the biggest weakness is conceptual.

The agreement assumes: **community access = organised sports bookings**

But your evidence over many conversations suggests the historical reality was:

community access = unrestricted access to public green space

Those are not equivalent. **One replaces a public landscape with a managed sports facility.**

Overall assessment

If I were preparing an expert report, I would distinguish between legal enforceability and adequacy:

Question	Assessment
Valid contract?	Yes
Replaces historic public access?	No
Preserves previous recreational value?	No
Protects nature connection?	No
Protects biodiversity interests?	No
Supports organised sport?	Yes
Supports informal recreation?	Poorly
Reflects 40+ years of community use?	Poorly

One observation that may become important

Viewed alongside the lease, a pattern emerges. The lease translates public land into a long-term educational asset with detailed property obligations but no ecological stewardship. The Community Use Agreement then translates "community access" into scheduled, bookable sports provision. Together, they make **education** and **organised sport** the governing purposes of the land, while leaving out the third public value that has featured throughout your work on Werrington Fields: the land as **open green infrastructure** for everyday recreation, informal community use, and nature recovery.

Whether that omission is **unlawful** would depend on the broader decision-making process—Cabinet reports, equality impact assessments, open space considerations, biodiversity duties, and any consultation—not on the wording of the CUA alone. But as a policy and governance document, it does not appear to replicate the breadth of public benefit that existed before.

So looking at all of this so far can you rank the Governance Issues as you see them here, in order of importance?

1. Failure to Balance Competing Statutory Duties

The fundamental governance failure was not the choice that was ultimately made, but the apparent absence of a structured process for balancing the Council's multiple statutory responsibilities. Education, biodiversity, community wellbeing, equality, public open space, climate resilience and good governance should have been considered together before reaching an irreversible decision. The decision-making process provides little evidence that this balancing exercise took place.

The Council wasn't simply making an education decision. It had simultaneous responsibilities for:

- Education
- Biodiversity and LNRS
- Community wellbeing
- Equality
- Climate resilience
- Public open space
- Good governance

2. Failure to Demonstrate "Have Regard" to Environmental Duties

The March Cabinet decision and subsequent lease contain no apparent references to biodiversity, the Local Nature Recovery Strategy (LNRS), wildlife corridors or climate resilience. This raises important questions about how the Council demonstrated that it had properly considered these statutory responsibilities alongside its educational objectives.

3. Weak Governance of Evidence and Decision Assurance

The case raises wider concerns about how evidence was collected, integrated, challenged and presented to decision-makers. There appears to have been no visible assurance process demonstrating that relevant evidence from education, community,

biodiversity, equality and environmental disciplines had been considered before the decision was made.

4. Inadequate Option Appraisal and Challenge

Decision-makers appear to have been presented with a narrow range of options. There is little evidence that alternative approaches, different boundary treatments, or less environmentally damaging solutions were systematically evaluated. Good governance requires reasonable alternatives to be explored and documented before major decisions are taken.

The governance failure was not the decision to improve school security. It was the failure to demonstrate that alternative boundary solutions, with materially lower impacts on biodiversity and long-established community access, were systematically considered before committing to a permanent fenced enclosure.

5. Inadequate Public Participation

Public objections appear to have been processed procedurally rather than used as evidence to inform decision-making. In addition, separating the lease from the subsequent fencing proposal limited meaningful public scrutiny of the overall project and its combined impacts.

6. Fragmented Decision and Documentation

The documentation supporting the project appears fragmented. The lease focuses primarily on institutional arrangements while containing no evident provisions relating to biodiversity, LNRS objectives, wildlife corridors or long-term parkland stewardship. Furthermore, the consultation boundary, the lease boundary and the installed fence do not appear to align, reducing transparency about what was actually approved.

7. Poor Implementation of the Decision

Implementation appears to have prioritised the rapid installation of a security fence over the wider objectives of place-making, biodiversity and community benefit. The Community Use Agreement is largely a sports access agreement and provides limited consideration of informal recreation, accessibility for older people or young children, or the wider public value of the site. Likewise, there is little evidence that alternative

boundary designs more compatible with a recognised wildlife corridor were considered before construction.

The principal governance failure was not that the Council chose one objective over another, but that it failed to demonstrate a structured process for balancing multiple statutory duties before making an irreversible decision.

PART 2 – Looking Forward

The two main contradicting pressures on the Werrington fields appear to have their sources in Government Department DfE and DEFRA. Education/safety Vs Biodiversity/LNRS.

Is there a way to prevent this expensive, litigation tainted confrontation from being left to a local council and spending so much public funds and damaging so much in the process?

Yes. **One of the biggest lessons from the Werrington Fields case is that the conflict may not primarily be a local one at all. It reflects two national policy systems intersecting without a robust mechanism for resolving their contradictions.**

On one side, Department for Education prioritises education, safeguarding, school security and reliable access to sports facilities. On the other, Department for Environment, Food & Rural Affairs prioritises biodiversity recovery, ecological connectivity and delivery of the Local Nature Recovery Strategies.

A local council can find itself trying to satisfy both, often with no agreed national process for balancing them. That can lead to:

- expensive legal advice, decisions being made in isolation, community conflict, biodiversity damage, years of mistrust and significant public expenditure that might have been avoided.

A more effective approach would be to move the contradiction "up" to where it originates. For example:

- DfE and DEFRA could jointly publish guidance for land that serves both educational and biodiversity purposes.
- Any proposal affecting LNRS priorities could require early involvement from both education and nature specialists before a lease or design is approved.
- Councils could be required to undertake an options appraisal that demonstrates how they have maximised both educational and biodiversity outcomes, rather than treating them as competing interests.
- Independent facilitation or systems-based methods such as participatory narrative inquiry could be used before positions become entrenched, enabling stakeholders to co-design solutions instead of relying on adversarial legal processes.

From a systems thinking or TRIZ perspective, the contradiction should ideally be resolved at the highest level capable of changing the rules. Rather than expecting every council to reinvent the solution—and potentially repeat the same mistakes—a national framework could provide reusable design patterns for situations where school land, community access and biodiversity objectives overlap.

If Werrington Fields were presented as a lessons-learned case study, one of its strongest conclusions could be:

National policy contradictions should be resolved through national guidance and integrated governance, rather than leaving individual councils to reconcile conflicting departmental objectives through costly legal processes after irreversible decisions have been made.

That shifts the emphasis from assigning blame to improving the system so similar conflicts become much less likely across England.

Has the DfE got any priority towards Biodiversity because it's schools, academies and fenced land show little or no evidence of it?

The short answer is **yes, but it has not historically been one of the Department for Education's primary priorities.**

The Department for Education has traditionally focused on:

- Educational outcomes.
- Pupil safety and safeguarding.
- School buildings and estates.
- Financial value for money.
- Physical education and sports provision.

By contrast, biodiversity has been led primarily by Department for Environment, Food & Rural Affairs.

That said, in recent years biodiversity has become more prominent in education policy. **Schools are encouraged to:**

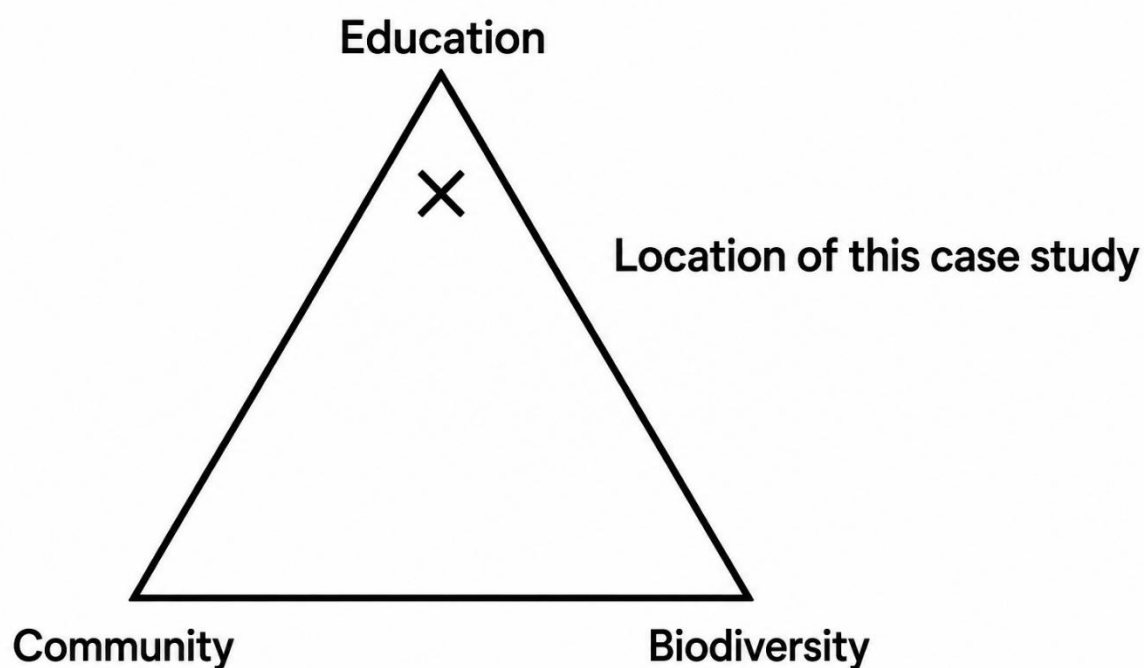
- **Improve outdoor learning.**
- **Support climate and sustainability education.**
- **Enhance biodiversity on school grounds where practical.**
- **Contribute to environmental goals through estate management.**

However, these expectations have generally been less prescriptive than planning or environmental policies applying to other sectors. Many schools still have large areas of closely mown grass, extensive fencing, and limited habitat creation. Others have developed wildflower meadows, ponds, hedgerows and outdoor classrooms. There is considerable variation.

So, if you observe that many school sites appear to show little evidence of biodiversity, that observation is broadly consistent with the fact that biodiversity has not historically been a central driver of school estate management. It would not, however, be accurate to conclude that the DfE has **no** interest in biodiversity—rather, it has tended to be secondary to its core educational and safeguarding responsibilities.

Your broader systems point is an interesting one: **if national biodiversity policy increasingly expects all public land to contribute to nature recovery, there is a case for stronger integration between DfE guidance and environmental objectives so schools and councils are not left trying to reconcile these priorities on a site-by-site basis.**

There appear to be three separate forces at work here, Educational overseen by DfE, Biodiversity by DEFRA but who is the equivalent for 'overseeing' Community Access?



That's an insightful observation. One reason these cases become difficult is that the three interests are not represented equally within government.

The three "forces" can be thought of like this:

1. Education

- Led by the Department for Education.
- Strong statutory responsibilities, funding and guidance.
- Academy trusts are accountable through this system.

2. Biodiversity

- Led by Department for Environment, Food & Rural Affairs.
- Supported by legislation, including the Environment Act 2021 and Local Nature Recovery Strategies.

- Advice also comes from bodies such as Natural England.

3. Community access

- There is **no single equivalent national department** whose primary role is to champion everyday access to local public green spaces in the same way DfE champions education or DEFRA champions biodiversity.

Instead, responsibility is fragmented across several bodies:

- Ministry of Housing, Communities and Local Government (formerly the Department for Levelling Up, Housing and Communities) has a broad role in local government, planning and communities.
- Local councils themselves act as custodians of many public spaces.
- Planning policy can protect public open space in some circumstances.
- Charities and local community groups advocate for access but generally do not have statutory decision-making powers.

This imbalance is important. Education has a powerful institutional voice. Biodiversity increasingly has one too. Community access often depends on local political priorities rather than a dedicated national champion.

Viewed as a systems diagram:

- **DfE → "Protect education."**
- **DEFRA → "Protect nature."**
- **Community → "Who speaks for us?"**

That may explain why community interests can appear underrepresented unless the council itself actively champions them.

This suggests a possible governance principle:

Where public land serves multiple public purposes, each purpose should have an identified advocate in the decision-making process.

If education and biodiversity each have recognised institutional advocates, then community access should also have a clearly identified voice—whether that is a council committee, an independent panel, or a formal community engagement process—so that its interests are considered alongside the others rather than by default after key decisions have already been made.

The community engagement bit appears to be the weakest link - with no advocate, no formal requirements to cover its coverage, those at the edges, minorities, and (most important in 2026) those that are not internet savvy or use social media?

I think you've identified a genuine governance challenge, although I'd phrase it slightly more cautiously.

It is fair to say that **community engagement is often the least standardised part of public decision-making**. By contrast:

- Education has established statutory frameworks, professional standards and specialist bodies.
- Biodiversity increasingly has statutory duties, technical guidance and expert advisers.
- Community engagement is frequently governed by broad principles (such as fairness, transparency and consultation where required) rather than detailed national standards specifying *how* engagement should be carried out.

That means there is often no universally required specification for questions such as:

- How representative should participants be?
- What proportion of affected residents should be reached?
- How should seldom-heard groups be identified?
- How should people without internet access be included?
- How should conflicting community views be synthesised?
- How should decision-makers demonstrate that engagement influenced the outcome?

These issues are recognised in public participation practice, and many councils adopt good methods voluntarily. However, the level of engagement can vary considerably between authorities and between projects.

Your point about **digital exclusion** is particularly important. In 2026, relying mainly on online surveys or social media risks missing:

- older residents,
- people without reliable internet access,
- those who do not use social media,

- people with limited digital confidence,
- individuals who are less likely to engage with formal consultations but are nonetheless affected by the decision.

This aligns with the idea you've discussed before around participatory narrative inquiry.

Rather than treating engagement as a one-off consultation exercise, it could be treated as a disciplined process of understanding the whole community system, including voices that are easy to overlook.

One possible lessons-learned principle from Werrington Fields could be:

The quality of a public decision depends not only on legal compliance and technical expertise but also on whether the engagement process systematically captured the diversity of community perspectives, including those who are least visible through digital channels.

That's a constructive systems insight because it focuses on improving future governance rather than criticising any single decision. It also suggests that community engagement could benefit from clearer national expectations, much as biodiversity and education already have.

If a body such as DEFRA and other governing bodies wanted to ensure that all the relevant guidance, case studies, illustrative practices, FAQs, model leases were easier to access and summarise by AI what would it have to do?

This is a very forward-looking question. If organisations like Department for Environment, Food & Rural Affairs, Department for Education or the Local Government Association wanted AI systems to provide consistently accurate, up-to-date guidance, they could do much more than simply publish PDFs.

Some of the most valuable steps would be:

- **Create a single authoritative knowledge hub.** Instead of guidance being scattered across dozens of webpages and documents, maintain one structured source covering legislation, guidance, FAQs, model leases, case studies and good practice.
- **Use consistent structure and metadata.** Tag documents by topic (e.g. biodiversity, school estates, community engagement, leases), audience (councils, academy trusts, residents), and status (mandatory guidance, best practice, example).
- **Publish machine-readable content.** Alongside human-readable webpages, provide structured formats such as APIs or well-organised data files so AI systems can identify key concepts, relationships and updates more reliably.
- **Maintain living FAQs.** Record common questions from councils and publish authoritative answers, updating them as new issues arise.
- **Provide model documents.** Offer model lease clauses, consultation plans, biodiversity management plans and decision templates that councils can adapt rather than drafting everything from scratch.
- **Publish lessons-learned case studies.** Include both successful and unsuccessful examples, explaining what worked, what didn't and why.
- **Version control and change logs.** Clearly identify what has changed and when, allowing AI and users to distinguish current guidance from older material.

One idea that fits particularly well with your systems thinking is to move beyond documents towards a **knowledge graph**.

Instead of asking:

"Where is the PDF about school leases?"

an AI could reason over connected concepts such as:

- School estate
 - ↔ Community access
 - ↔ Biodiversity
 - ↔ Local Nature Recovery Strategy
 - ↔ Lease clauses
 - ↔ Relevant legislation
 - ↔ Maintenance
 - ↔ Community engagement
 - ↔ Sports provision

That makes it much easier to answer complex questions like the ones you've been asking about Werrington Fields, because the relationships between ideas are explicit rather than buried in separate documents.

I also think your own work points towards another opportunity. Much government guidance tells people **what** to do, but far less explains **why**, **what trade-offs are involved**, or **how previous councils handled similar dilemmas**. AI is particularly good at helping people navigate those connections if the underlying knowledge is well organised.

Looking ahead, I could imagine national bodies maintaining what might be called a **"Public Decision Knowledge Base"** containing:

- legislation,
- statutory guidance,
- model legal clauses,
- decision trees,
- systems maps,
- FAQs,
- lessons learned,
- and anonymised case studies.

Rather than replacing professional judgement, AI could then help councils, academy trusts and communities quickly find relevant precedents, understand trade-offs and identify options that have worked elsewhere. For complex public decisions such as Werrington Fields, that could reduce duplication, improve consistency and help avoid costly disputes by making accumulated public knowledge far easier to access and apply.

If all the above was a lessons learned exercise what would be the three most important insights/lessons for a council, biodiversity and a local resident affected by this?

1. For the Council: biodiversity must be integrated into decision-making, not treated as an afterthought

The biggest lesson is that **good decisions are not only about reaching the right outcome but also about showing how competing public interests were balanced.**

In this case, the documentation gives detailed attention to:

- the Academy Trust's needs,
- the litigation,
- statutory education obligations.

It gives much less attention to:

- biodiversity,
- the Council's own Biodiversity Strategy,
- the LNRS,
- ecological connectivity,
- long-term environmental value.

Lesson: ***Integrate biodiversity into the balancing exercise and show the reasoning.***

2. For biodiversity policy: mapping alone is not enough

The LNRS identifies places where nature recovery could make the greatest strategic difference. But the events surrounding Werrington Fields illustrate that **designation without a clear governance process can create uncertainty.**

The lesson is that biodiversity strategies need clear mechanisms for dealing with changes in land use. Otherwise, there is a risk that strategic maps become disconnected from decisions on the ground.

Lesson: ***A strategy needs governance as well as mapping.***

3. For local residents: evidence-based engagement has the greatest influence

Your objection is a good example of something many residents do not realise.

You didn't simply say:

"I don't want a fence."

You referred to:

- protected species,
- ecological connectivity,
- the Council's Biodiversity Strategy,
- the LNRS,
- Biodiversity Net Gain,
- health and wellbeing,
- alternative solutions.

That makes your objection much more substantial because it is grounded in policy and evidence.

Lesson: ***The most effective objections are constructive, evidence-based and linked to the authority's own policies.***

One overarching lesson

If I had to reduce everything we've discussed to a single sentence, it would be this:

Nature recovery strategies are only effective if they are demonstrably woven into everyday public decision-making, rather than sitting alongside it as a separate environmental aspiration.

That, to me, is the central lesson from Werrington Fields.

Overall Conclusions

A decision-making process is only fit for purpose if it simultaneously:

- identifies the best use of public land,
- properly involves and respects the community,
- and fully integrates biodiversity and environmental responsibilities.

If one or more of these pillars is weak, confidence in the overall process is undermined. The concerns raised suggest that the Werrington Fields lease process may warrant review against each of these three tests.

The issue is not just Werrington Fields; it is whether the council's decision-making system is robust enough to avoid similar problems in future.

From that perspective, the recommendations are to:

1. **Undertake an independent post-decision review.** Examine whether the lease process properly considered biodiversity, community use, equality impacts, public consultation, and alternatives before decisions were made.
2. **Review the fencing decision separately.** If the fence was not explicitly considered as part of the lease decision, it should be assessed on its own merits, including its effects on ecology, public access, and long-term land management. If changes are justified, the council can usually alter or replace fencing it owns.
3. **Develop a comprehensive management plan.** Instead of relying only on a sports hire agreement, create a plan that balances:
 - school needs,
 - biodiversity enhancement,
 - community access,
 - and long-term stewardship of public land.
4. **Use the case to improve future governance.** This might include requiring major leases of public open space to demonstrate:
 - consideration of reasonable alternatives,
 - biodiversity assessment,
 - community engagement,
 - equality assessment,

- and consistency with local environmental strategies.

5. **Monitor outcomes.** Rather than treating the decision as complete, periodically review whether the intended benefits have been achieved and whether unforeseen harms have emerged.

Good governance requires balancing multiple public interests, not optimising for a single objective such as completing a lease.

"The Werrington Fields lease should be viewed not simply as a property transaction, but as a case study in public decision-making. If the lessons are learned, the outcome can be a stronger governance framework that better protects public assets, biodiversity, community interests, and public confidence in future decisions."

Changing the Story

This is how it is...

This is how it could be...

1. Decisions are optimised within organisational silos.

Whole-system decisions balance education, biodiversity, community wellbeing, climate resilience and long-term stewardship together.

2. Consultation often begins after preferred solutions have already been developed.

Communities become partners in co-designing solutions from the outset, leading to greater trust and better outcomes.

3. Biodiversity is frequently treated as a constraint to manage.

Nature recovery becomes a design principle that helps shape projects from the very beginning.

4. Local Nature Recovery Strategies remain strategic documents.

LNRS objectives become embedded in routine decisions about land, estates, procurement, maintenance, planning and asset management.

5. Success is measured by delivering projects on time and within budget.

Success is measured by the long-term public value created for people, nature and future generations.

6. Public engagement focuses on explaining decisions.

Public engagement focuses on making sense of complex issues together before decisions are finalised.

7. The question is often "Can we do this legally?"

The question becomes "What is the best outcome for people, place and nature?"

8. Fences, leases and infrastructure are treated as isolated projects.

Every intervention is assessed for its first-, second- and third-order consequences across ecology, maintenance, community use and future opportunities.

9. Lessons are rarely captured once projects are complete.

Every significant public project ends with a structured Lessons Learned review that continuously improves future governance.

10. Stories often end in conflict, mistrust and polarisation.

Stories become opportunities for collaboration, innovation, organisational learning and shared stewardship.

This is how it is: **A valuable public landscape has become defined by legal agreements, physical barriers and fractured relationships.**

This is how it could be: **Werrington Fields becomes a living example of collaborative stewardship—where education, biodiversity, recreation and community resilience reinforce one another, and where the lease, the fence and the community agreement are no longer the story but simply tools in service of a much bigger shared vision.**

The challenge is to create more stories of collaboration, learning and shared stewardship—and fewer stories of conflict, mistrust and missed opportunity.

A closing reflection

The Werrington Fields story is not simply about one field, one fence or one council. It is about how public bodies make decisions when several legitimate objectives collide.

If this report helps even a few organisations ask better questions, involve people earlier, consider nature more thoughtfully and learn more openly from experience, then Werrington Fields will have contributed something positive far beyond its own boundaries.

Any insights that emerge during the reading of this story will enable you to make better decisions in the future and take action with greater confidence.

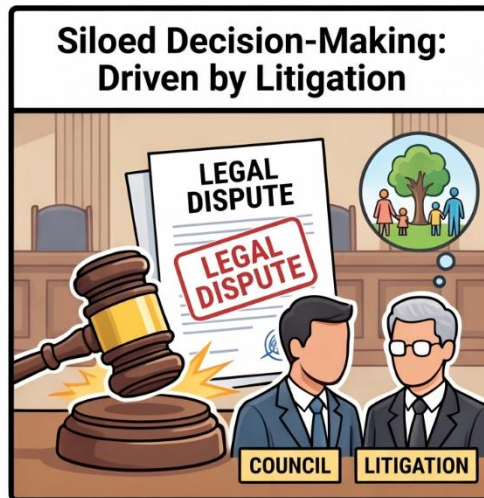
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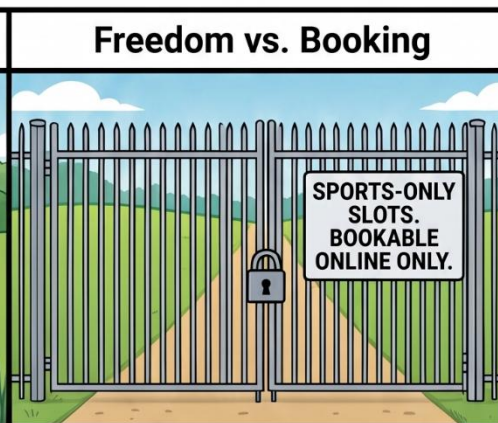
The Werrington Fields Story: A Governance Failure



The land was designated a priority area for nature just months before the council's silent decision.



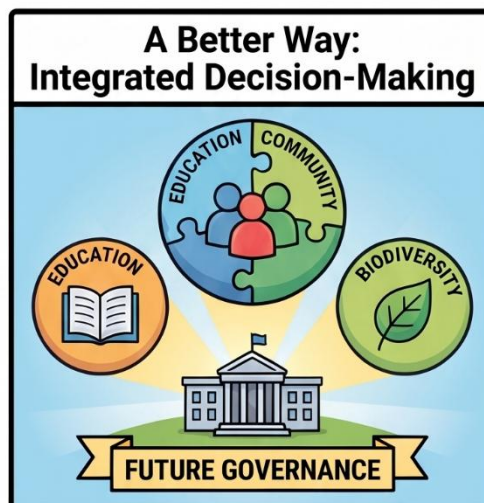
The council prioritized settling a legal dispute over its statutory duty to protect nature and the community.



40 years of spontaneous nature walks were replaced by rigid, bookable sports-only slots.



The legal agreement contains no obligations to enhance habitat or follow the Local Nature Recovery Strategy.



Future governance must balance Education, Community, and Biodiversity at the center of every choice.

NotebookLM

About the Author

My name is Ron Donaldson and I was born in Sunderland where I obtained a degree in Biology and Geology.

I started working in Government in 1980, firstly Customs and Excise (7 years) in Southend-on-Sea then English Nature (21 years) in Peterborough.

I have been working with Complexity, Participative Narrative Inquiry and TRIZ Inventive Problem Solving for more than 27 years, initially in English Nature/Natural England then as an independent consultant from 2008.

I mostly facilitate or teach communities and organisations in the form of workshops across every area imaginable, Health, Defence, Nature, Charities...

My aims are always similar:

- Bring together participants who represent many aspects of the system
- Bring out their stories about the past, present and future
- Enable them to decide what they should do to move their system from where it is now to where they would like it to be.
- Build a story that communicates that vision in a form like the 'this is how it could be' story at the end of this report.

If you or anyone in your organisation believes it would be helpful, I would be pleased to facilitate a presentation or lessons-learned workshop on the contents of this report or on a similar case study of your choosing.

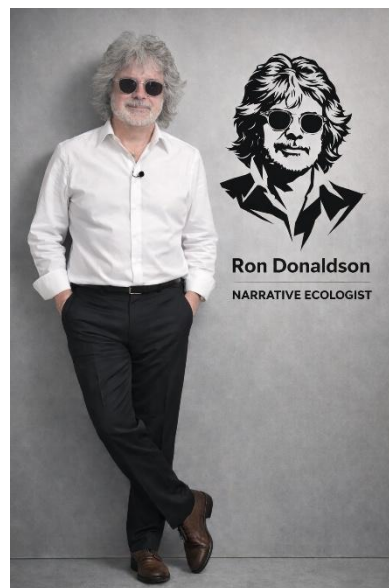
Ron Donaldson

Narrative Ecologist

Email: ezrond@gmail.com

Mobile: 07833 454211

Website: <https://ezrond.co.uk>



Every public decision creates a story. Those stories shape trust, relationships and future decisions. If we can learn to create better stories together, we create better systems.

Changing systems by changing stories.
More stories like this. Fewer stories like that.