

Subj: **Submission to DPD Examination**
Date: 21/06/2010 23:44:22 GMT Daylight Time
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Dear Mr Cole

Wye 03 policy of the Tenterden and Rural Sites DPD examination.

We exchanged correspondence regarding the Wye03 Policy last year and more recently made a submission to Carol Ridings in relation to the Planning Application to convert the Withersdane student accommodation complex into a retirement village.

As an interested party we have not had any further contact regarding Wye03 from either your department or from Wye Parish Council and had naively presumed that the examination of Tenterden and Rural Sites DPD would essentially be a desk exercise carried out by the examiner in private. However, at the launch of our prospectus last week, which Andrew Osborne attended, we learned that this was to be a public meeting and that Imperial College had commissioned legal advisers to make submissions against the DPD.

Had we been aware of this beforehand we would have formulated a submission within the time limit prescribed. Even though this date has passed we would like to make a submission relating to the Wye03 policy. I have attached this and I would be grateful if you could ensure that it is considered by the examiner despite its late submission.

Yours sincerely

Leonard Budd
Chairman
PhoenixWyeCollege

PS The full version of our Prospectus for re-establishing Wye College can be found on our website, www.phoenixwyecollege.co.uk.

PhoenixWyeCollege

Submission to the Ashford Borough Council Tenterden and Rural Sites DPD Examination

June 2010

Wye 03 The Wye College Campus

PhoenixWyeCollege is a legally constituted Association of Alumni and ex-staff of Wye College whose objective is to re-establish Wye College to the role and status it held during the last century.

1) Imperial College's policy regarding PhoenixWyeCollege

1.1 Communications directly with Imperial College since April 2007

Our earliest approach to Imperial College regarding the Wye College campus and the objective of re-establishing Wye College was a letter of **2nd April 2007** to the Dean of the Wye Campus, Prof. Jeger. We received no response to this approach.

This was followed on **28 June 2007** by an email to Savills (Highwood) with regard to lease for Wye College Farm. It expressed the opinion that the lease term should not be so long such that it would preclude the farm becoming unavailable to a re-established Wye College. The email also informed them of the PhoenixWyeCollege initiative to re-establish Wye College to the role and status it held during the last century.

On **9 August 2007** we wrote to the then Rector of Imperial College (Sir Richard Sykes) introducing PhoenixWyeCollege in formation and its objective. We received no response.

PhoenixWyeCollege was formally established as an Association on **10 Jan 2008**

Since **March 2008** we have sent a total of 47 Emails to Savills and received 38 in return. Only a proportion have had substantive content.

As instructed by Imperial College senior staff we have communicated our interest in the Wye College campus to them through Savills. Savills have continued to express this to Imperial College through their lines of communication. However, the almost monosyllabic responses have indicated that IC have no interest in directly liaising with us in any way.

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C Adams (Secretary) P Cassell (Treasurer) B Smith

PhoenixWyeCollege is not yet in a position to make a financial offer for the Wye College campus and it is our assertion that the campus should be passed over to any entity that is ready, willing and able to fulfil the objectives of Wye College as stated in its charter of 1948, i.e. to provide opportunities for education and research in the fields of agriculture and horticulture. Therefore we have tried to engage with Imperial College at a senior level in order to persuade them to work with us.

Since 2007 we have sent 11 letters to senior staff of Imperial College with the purpose of engaging with them on a strategic basis within a cooperative context. The addressees have included the Dean of the Wye Campus (Prof. Jeger), the Vice-Rector, each of the last three Rectors and the Chief Operating Officer. Half of these letters have not even elicited an acknowledgement of receipt, the rest have merely restated their current position of non-engagement.

The most significant non-response was to our letter of 6th May 2009 to the Chief Operating Officer which requested Imperial College's support for us in approaching the Higher Education Funding Council for funds to enable us to re-establish Wye College within the state-funded higher education sector. Despite a reminder we did not receive a response, nor even an acknowledgement.

Our most recent letter to the management of the Imperial College Fund (14th April 2010) has not yet been acknowledged or answered. (All of the Wye College campus has now been transferred to the Imperial College Fund, whose purpose is '*maximising the return from investment assets and providing a regular source of unfettered income to support the College's objectives*'.)

During this year we have communicated with the Chair of the Imperial College Council, Lord Kerr, and have received prompt and polite responses. Although these responses have been perceptive they have generally followed the Imperial College policy.

1.2 Communications with outside persons and bodies

SEEDA/HESE On approaching SEEDA we received the following response from John Weston of HESE on **26 March 2008**;

I have now heard from Sir Peter Knight, Principal of the Faculty of Natural Sciences at Imperial College that, following a decision of the IC Management Board, Imperial College will not be considering further approaches from Phoenix Wye College concerning the future of Wye.

NB It should be noted that this message was sent before the 2008 marketing exercise. Sir Peter Knight is a member of the Imperial College Council.

Savills 24th March 2009 On offering to share some relevant research at a meeting with them about endowments of 1893 relating to the oldest part of the Main Campus North the following email response was received from Savills (Flemington):

You will be aware of the cost implications to our clients of Directors attending ad hoc meetings and we are accordingly limited in our freedom to accept such invitations.

Savills 7th June 2010 During a longish telephone conversation Savills (Highwood) expressed his feeling that, as a mere Chartered Surveyor/Estate Agent he found it tiresome having to respond to essentially policy issues being put to him by PhoenixWyeCollege.

In a later exchange of emails that day Andrew Highwood requested that his assistant, Mark Bewsey, attend the launch of the PhoenixWyeCollege/University of Buckingham Prospectus on June 15th. This was agreed. He did not attend.

Damian Green MP 11th Sept. 2009 At the suggestion of ourselves and Wye PC, Damian Green (MP for Ashford) visited the Chief Operating Officer of IC. Here is an extract from his report;

Imperial has therefore come to the conclusion that those groups who are hoping to revive the College in one form or another are pursuing an unrealistic dream. Certainly Imperial will not use any of its own resources to facilitate this.

Vice-Chancellor University of Buckingham 23rd Feb 2010 The University of Buckingham is now our partner in re-establishing Wye College. At an early stage in our negotiations the Vice-Chancellor secured a meeting with the new IC Rector and Chief Operating Officer of Imperial College. His report to us indicated that their only interest in the Wye Campus was in maximising income from the site. A confirmation letter from the Rector confirmed this and stated that they consider they have treated *'all approaches to us fairly and equitably'*.

Conclusion

As a world-renowned university it is incongruous that the senior staff of Imperial College are unwilling to make any effort to engage with a body of alumni whose objective is to resurrect their college which was, with goodwill, entrusted to Imperial College's guardianship 10 years ago and which they decided to close less than four years later.

2) Marketing of Main Campus North – June to Mid-August 2008

- **2008 Marketing exercise** Despite previous contact with Savills (see above) we were not provided with details of IC/Savill's summer 2008 marketing exercise for Wye College's 'Main Campus North'. On enquiring we were provided with details and were invited to make a submission after the mid-August closing date.
- **Savills Website** Due to the complex filtering system inherent in the Savills national website it was very difficult to find the details of the Main Campus North on the Savills website - it took me at least 3 attempts and quite some time to find the details.
- **Submission of 'Expression of Interest'** by Phoenix on August 31st 2008. This submission indicated an unequivocal interest in **all** of the Wye College campus and

farm with special reference to the inclusion of the Withersdane student accommodation facility.

- **The response** to our 'expression of interest' received on 17th November 2007 merely stated that, along with all other submissions, it was 'non-compliant'.
- **Follow-up** On following this up Savills (Flemington) email response on 12 Dec 2008 included the following statement;

'Although a rental income would have been an aspiration, the principal concern of ICL was to ensure that the occupier could meet the ongoing maintenance obligations relating to the listed buildings. Logically therefore a nil rent might have been acceptable if the proposed occupier could satisfy ICL of their strength of covenant.'

- **Withersdane Hall Complex** This complex situated 10 minutes walk from the main campus is predominantly a student hall of residence. This was not put on the market in conjunction with Main Campus North.
- **Selective marketing of Wye College campus.** It should be noted that by offering only the Main Campus North which comprises less than 100 student bedrooms (one-third of the original Wye College's capacity) this reduces its acceptability to interested educational bodies as the rest of the Main Campus North has teaching and research facilities suitable for a college with 800-900 students. It was difficult to see why any institution thinking about an educational use for the main campus would consider taking a short-term (10-year) lease on such an imbalanced site.
- **Marketing Withersdane** The Withersdane Hall complex has never been placed on the open market. Proceeding to propose the site for only one new usage, i.e. as a retirement village, is not only contrary to the general requirement of Charity legislation which requires the trustees of a charity to seek the best income/sale price by offering a property to the widest market possible but it also compromises IC's charitable obligation to ensure transparency in its operations.
- **Timing and length.** The timing of the marketing exercise was unfortunate in that it largely took place during the traditional examination and holiday season. During these periods educational institutions are distracted. The period of active marketing was also too short to allow institutions to draw-up detailed plans.

Conclusion

For a variety of reasons the marketing exercise of Main Campus North was not conducive to identifying and securing a new educational user for the whole Wye College campus. The primary reason was that Main Campus North does not provide a balance of facilities for a stand-alone residential secondary or tertiary educational institution.

3) Overall Conclusions and Submission

It is acknowledged that financial gain was not the prime motive when Imperial College agreed to merge with Wye College through the Imperial College Act 1999.

However, the perfunctory nature of the marketing of the main part of the Wye College campus, the holding back from sale of the Withersdane Hall accommodation complex for a non-academic purpose, the transfer of the campus to a fund whose specific objective is for the financial benefit of Imperial College and the active policy of non-engagement with ourselves, the only organisation prepared to retake the guardianship of the Wye College educational tradition, together indicate that financial motives overtook educational motives guiding Imperial's strategy to find a new educational usage for the campus.

For these reasons PhoenixWyeCollege strongly support Ashford Borough Council's proposal that the whole of the Wye College campus should remain reserved for an educational purpose until 2014 during which period Imperial College should make every effort to find such a new use for the campus.

PhoenixWyeCollege pledges to respond positively to any realistic approach made to them by Imperial College or its agents that has an educational rather than financial outcome as its primary objective.

Leonard Budd
21st June 2010

N.B. The PhoenixWyeCollege – University of Buckingham Prospectus for re-establishing Wye College was formally launched on June 15th and is available on the website - www.phoenixwvecollege.co.uk

Subj: **DPD Examination - Wye 03**
Date: 24/06/2010 16:07:02 GMT Daylight Time
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Dear Sirs

I have only now had an opportunity to read all the papers relating to the current DPD examination relating to Wye 03. In those I have noted para 4.14 of Savills submission relating to the interest shown by the University of Buckingham.

The clear implication from that paragraph is that a lack of response from the university's Vice-Chancellor indicates that they no longer have any interest in the Wye College Campus. This is a wrong implication and I have written to Mr Highwood to indicate the true situation.

I attach a copy of my letter which I would be grateful one of the addressees could bring to the notice of the Inspector.

Your sincerely

Len Budd
Chairman
PhoenixWyeCollege

PhoenixWyeCollege

Mr Andrew Highwood
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21st June 2010

Dear Andrew

As you know we launched the joint PhoenixWyeCollege/University of Buckingham prospectus to re-establish Wye College yesterday at Buckingham. I don't think that Mark Bewsey joined us, but if he did may I apologise for not introducing myself to him.

During our AGM which preceded the launch the issue of the lack of a response to a letter from yourself by the Vice-Chancellor of the University of Buckingham, Dr. Terence Kealey, was raised by one of the attendees who lives in Wye and follows events there in relation to the management of the Wye College campus. I think we dealt with this matter when we last spoke on the telephone but at the time I did not have all the information to hand and so responded off-the-cuff.

I now understand the scenario more clearly and for the sake of clarity may I expand on my initial response.

My understanding is that, on the suggestion of the Clerk of Wye Parish Council, Dr Kealey wrote to Carol Ridings of the Planning Department of Ashford Borough Council on 7th May 2010 opposing Planning Application 10/0011/AS, i.e. Imperial College's application use the Withersdane Hall site to erect a 'Retirement Village.'

After having sight of that letter you quite legitimately wrote to Dr Kealey requesting, as agents of Imperial College, an expansion of his last sentence, i.e. *'We are serious about using the site for educational purposes, so an approval of the application in question would jeopardise its future.'*

As a result of yesterday's meeting I am led to understand that Savills have interpreted Dr Kealey's non-response to justify an assertion to a completely different planning matter, i.e. the Tenterden and Rural Sites DPD Examination. I have been informed that as he has not

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responded you have asserted that the University of Buckingham has no interest in using the Wye College campus for higher educational purposes.

I acknowledge that if you regard the 'We' of the above-quoted sentence as meaning the University of Buckingham acting alone then I can see how it might be possible to misinterpret this sentence. On that strict interpretation your assertion is justified as they have no intention to extend their own activities to the Wye College Campus. The key to interpreting this sentence correctly lies in the fact that the letter has been copied to myself as Chairman of Phoenix.

The correct interpretation of the 'We' is in reference to the partnership between the University of Buckingham and PhoenixWyeCollege; you have been fully aware of our interest in re-establishing Wye College at its campus since 2007. You have also been aware of our link with the University of Buckingham since last winter when you facilitated us showing Dr Kealey the campus.

So, in effect, the answer to your request for further intentions regarding the campus has been answered by the PhoenixWyeCollege prospectus which was launched yesterday. I emailed an electronic copy to you after we last spoke a couple of weeks ago. This is virtually identical to Phoenix's own prospectus of which you have had sight of since earlier this year. The only significant difference has been the addition of the University of Buckingham's partnership role.

Through the spring we have further developed the nature of our partnership. Phoenix will be the lead partner in this initiative with the University of Buckingham playing a supportive role by providing advice, guidance and playing a facilitatory role as well as, in time, accrediting Wye College's degrees. Hence all further communications should be with myself or our secretary, Charles Adams (charles.adams3@ntlworld.com). On that basis I apologise for the lack of response from Dr Kealey who has been operating without a deputy thereby causing him to become over-burdened.

Yours sincerely

Leonard Budd