

Cabinet – Supplementary agenda No.1

A meeting of the Cabinet will be held on:

Date: 23 August 2022

Time: 3.00pm

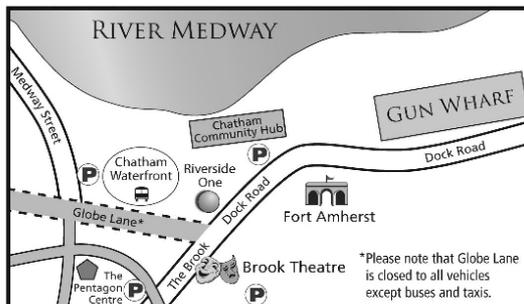
Venue: Meeting Room 9 - Level 3, Gun Wharf, Dock Road, Chatham
ME4 4TR

Items

4. **Four Elms Hill Air Quality Action Plan** (Pages 3 - 6)
Please find attached an addendum report which provides comments and recommendations from the Regeneration, Culture and Environment Overview and Scrutiny Committee.
8. **Future Hoo Progress Report** (Pages 7 - 18)

For further information please contact Jon Pitt, Democratic Services Officer/Teri Reynolds, Democratic Services Officer on Telephone: 01634 332715/332104 or Email: democratic.services@medway.gov.uk

Date: 19 August 2022



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CABINET

23 AUGUST 2022

FOUR ELMS HILL AIR QUALITY ACTION PLAN – ADDENDUM REPORT

Portfolio Holder: Councillor Jane Chitty, Portfolio Holder for Planning, Economic Growth and Regulation

Report from: Richard Hicks, Director of Place and Deputy Chief Executive

Author: Jon Pitt, Democratic Services Officer

Summary

This addendum report sets out the comments and recommendations to Cabinet made by the Regeneration, Culture and Environment Overview and Scrutiny Committee, which considered the Four Elms Air Quality Action Plan on 11 August 2022.

1. Background

1.1. This report was introduced by the Head of Regulatory and Environmental Services. He explained to the Committee that production of the Air Quality Action Plan (AQAP) for the Four Elms Hill Air Quality Management Area (AQMA) was a statutory duty. The AQAP had been developed through external and internal engagement with stakeholders and had been consulted upon between 7 March 2022 and 24 April 2022. Details of the consultation were set out in section 5 of the report.

1.2. Members expressed several concerns, including:

- whether the AQAP would, in practical terms, reduce emissions within the AQMA.
- that emissions would increase in the short term as vehicular usage associated with new developments in the area increased.
- that there was too great a reliance on the delivery of zero emission Heavy Goods Vehicles (HGVs) and Light Goods Vehicles (LGVs) and that uptake of these vehicles depended on National factors. Consideration was also given to uptake of residential and commercial electric vehicles and reference made to barriers such as cost and access to charging stations.

- that more action ought to be taken now, for example, including a requirement for developers to utilise low emission/electric vehicles during the construction phase of any project.
 - that the response ‘no further/reduced development on the peninsula’ was the highest selected action at the conclusion of the consultation exercise, yet the report noted at paragraph 5.8 that this was not feasible in the context of the ongoing Local Plan work. A view was expressed that the AQAP should feed into the Local Plan work which had yet to be agreed.
- 1.3. In response, it was explained to the Committee that creating the AQAP was a complex process which took account of growth associated with the emerging Local Plan (including the Housing Infrastructure Fund (HIF)) and future air quality challenges. Modelling had looked at three scenarios:
- 2019. This was a baseline case which had been adjusted to align with monitoring data.
 - 2024. This assumed 2024 emission factors and 2037 traffic flows associated with the emerging Local Plan. This was a worst-case scenario.
 - 2030. This assumed 2030 emission factors and 2037 traffic flows associated with the emerging Local Plan. This a more realistic scenario, however it was conservative.
- 1.4. Emphasis had been given to three measures (the HIF relief road; zero emission buses through the AQMA; and zero emission HGVs and LGVs through the AQMA) as they were quantifiable, unlike some other measures within the Plan.
- 1.5. It was recognised that the dispersion modelling exercise had indicated that with the HIF relief road and zero emission buses only passing through the AQMA, concentrations of nitrogen dioxide were predicted to still exceed the nitrogen dioxide annual mean air quality objective at Four Elms Hill. However, a phased move towards low emission / electric HGVs / LGVs over the next 10 to 15 years would make a significant impact on concentrations of nitrogen dioxide. Nationally, the Government had committed to bringing forward this technology but despite recent advancements in this area there was some uncertainty about the speed of uptake. The Council was developing an Electric Vehicle Strategy which could accelerate progress locally. There would also be continued ability to increase availability of electric vehicle infrastructure on developments and public spaces in line with Medway’s Air Quality Planning Guidance which was adopted in 2016.
- 1.6. It was explained to the Committee that within the AQAP, a purposefully broad measure concerning low emission HGVs and LGVs could be cited when considering planning applications. The Committee was assured that the Environmental Protection Team scrutinised Construction Environmental Management Plans (CEMPs) and would continue to do this. The AQAP would provide a lever through which more could be asked of developers. In response to a question, it was confirmed that all new HGVs must currently conform to Euro 6 emission Standards.

- 1.7. The Committee was also assured that there were other interventions within the AQAP but as these were presently not quantifiable, these would need to be monitored regularly and adapted as required. The AQAP would be reviewed at least every five years and progress on its measures would be reported on annually within Medway Council's air quality Annual Status Report (ASR) to DEFRA. It was added that there was an internal Steering Group overseeing the implementation of the AQAP.
- 1.8. Further discussing the planning process, the Committee was advised that developers were required to submit an air quality impact assessment alongside planning applications. The Environmental Protection Team assessed these and would evaluate the impacts of the proposed development and any cumulative impacts. Where the impact of a development was significant, and the proposed mitigation was not satisfactory then an objection could be lodged against an application and recommendation made for refusal.
- 1.9. In response to a question about how the AQMA area had been defined, officers confirmed it was determined by undertaking monitoring and was set in accordance with the requirements of DEFRA, which looked at where air quality did not meet its objectives at the location of relevant receptors. Asked specifically about the Liberty Park development, it was confirmed that monitoring was undertaken in this location and the data showed that air quality met air quality objectives.
- 1.10. More generally, the Council had two continuous monitoring stations which provided a long-term view of emissions over time. This data was supplemented with data from diffusion tubes which were relocated regularly. Monitoring was undertaken in accordance with DEFRA guidance. It was explained that there were two objectives set by DEFRA, broadly split into short-term and long-term objectives. Measurements would be taken depending on the objective under consideration.
- 1.11. Asked about funding to deliver the measures within the AQAP, it was explained that implementation of the AQAP would be delivered through existing budgets and external funding opportunities (e.g., the DEFRA Air Quality Grant Fund). By having an AQMA and associated AQAP, the Council would be prioritised for DEFRA funding.
- 1.12. Discussing sustainable travel, it was asked whether the AQAP promoted active travel, including providing dedicated cycle lanes. In response, the importance of utilising alternative means of transport was emphasised and formed part of the AQAP. With respect to exposure to air pollution whilst travelling by bike or walking, evidence suggested that the positive impacts of taking exercise outweighed the negative impacts associated with any exposure to air pollutants. A view was expressed that it would be important to promote this information. It was also noted that the Council had been awarded funding through the active travel grant for a cycle lane on Four Elms Hill but delivery had been postponed.
- 1.13. With respect to concerns and questions within the context of the emerging Local Plan, the Committee was advised that the Local Plan needed to

consider wider environmental matters to ensure development was sustainable. The Local Plan would, however, include an Air Quality Policy. This was presently in draft form and would be reviewed. Recognising the previous concerns raised by the Committee, it was confirmed that the AQAP was a standalone document to be delivered separately to any process included within the Local Plan work and delivery was not reliant on S106 funding. It was noted that DEFRA had accepted the AQAP.

1.14. The Committee:

- a) agreed to recommend the Four Elms Air Quality Action Plan, attached at Appendix 1 to the report, to Cabinet for approval and:
- b) requested the Cabinet to bring forward the dedicated cycle lane on Four Elms Hill.

2. Director's Comments

2.1. The Director of Place and Deputy Chief Executive has provided the following comments in relation to the recommendation set out at paragraph 3.3:

2.2. The improvements to cycle infrastructure on Four Elms Hill comprise widening the existing footway to create a shared footway/cycleway between Beacon Hill Lane and Upchat Road Bridge. To make these improvements, we will need to close a traffic lane for the duration of the works, which is expected to be around six weeks. We are mindful of the disruption caused by the delivery of the slip road on Berwick Way earlier this year and keeping the local area free of non-essential highway works and lane closures since then has been appreciated by residents and businesses. The importance of sustainable transport infrastructure on Four Elms Hill is fully understood, however, and we will accelerate the final elements of the design process, including ground investigation works and temporary traffic management plans, so we can start construction in late Spring 2023.

3. Revised recommendations to Cabinet

3.1. The Cabinet is recommended to note the comments of the Regeneration, Culture and Environment Overview and Scrutiny Committee set out in the addendum report.

3.2. The Cabinet is recommended to approve the Four Elms Air Quality Action Plan, attached at Appendix 1 to the report.

3.3. The Cabinet is asked to consider the following recommendation from the Regeneration, Culture and Environment Overview and Scrutiny Committee and agree a way forward:

The Committee requested the Cabinet to bring forward the dedicated cycle lane on Four Elms Hill.



CABINET

23 AUGUST 2022

FUTURE HOO PROGRESS REPORT

Portfolio Holders: Councillor Alan Jarrett, Leader of the Council
Councillor Rodney Chambers OBE, Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships
Councillor Jane Chitty, Portfolio Holder for Planning, Economic Growth and Regulation

Report from: Richard Hicks, Director of Place and Deputy Chief Executive

Authors: Sunny Ee, Assistant Director, Regeneration
Janet Davies, Head of HIF and Regeneration

Summary

This report advises the Cabinet of the outcome of consideration of a call-in by the Regeneration, Culture and Environment Overview and Scrutiny Committee on 11 August 2022, in relation to Cabinet decisions (89-91/2022) to approve the commencement of consultation on the draft Hoo Development Framework, the continuation of progress on the preparation of applications for all aspects of the Future Hoo Project and to delegate authority to the Director of Place and Deputy Chief Executive, in consultation with the Leader, the Portfolio Holder for Strategic Regeneration, Inward Investment and Partnerships and the Portfolio Holder for Planning, Economic Growth and Regulation, to make any changes considered prudent to appendices 1-5 of the Cabinet report.

The Regeneration, Culture and Environment Overview and Scrutiny Committee has referred all three decisions to Council for consideration as set out below.

1. Budget and policy framework
 - 1.1. The rules relating to call-in are set out in section 15 of Part 5, Chapter 4 of the Constitution.
 - 1.2. On this occasion, the Regeneration, Culture and Environment Overview and Scrutiny Committee has agreed to refer all three decisions to full Council for consideration, in accordance with paragraph 15.6 of Part 5, Chapter 4 of the Constitution.

1.3. This report has been included on the Forward Plan in accordance with Section 10 (General Exception) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. This report has been circulated separately to the main agenda. Therefore, the Cabinet is asked to accept this report as urgent to enable consideration of the matter at the earliest opportunity to mitigate any delays (the next scheduled Cabinet meeting is due to take place on 20 September 2022).

2. Background

2.1. The Cabinet considered a report entitled Future Hoo Progress Report on 26 July 2022.

2.2. The Cabinet's decision was as follows:

Decision number: ***Decision:***

89/2022 **The Cabinet approved the commencement of consultation on the draft Hoo Development Framework document for a 7-week period and noted that the document would return to Cabinet for consideration following that consultation.**

90/2022 **The Cabinet approved the continuation of progress on the preparation of the applications for all aspects of the Future Hoo project.**

91/2022 **The Cabinet agreed to delegate authority to the Director of Place and Deputy Chief Executive, in consultation with the Leader, the Portfolio Holder for Strategic Regeneration, Inward Investment and Partnerships and the Portfolio Holder for Planning, Economic Growth and Regulation, to make any changes considered prudent to appendices 1-5.**

Reasons:

To enable the Future Hoo programme to continue to meet its programme and funding requirements for delivery and to unlock £170m of Government Funding that has been secured to enable the delivery of infrastructure and sustainable development on the Hoo Peninsula

2.3. The above decisions were subsequently called in by eight Members of the Council from the Conservative Group. The reasons for the call in are as follows:

“Following the Cabinet meeting of 26th July we are very concerned about the decisions that were taken under Agenda Item 4, The Hoo Development Framework Progress Report.

Due to an adjournment for over half an hour during this meeting it was clear that there were considerable concerns/errors within Appendix 5. These updated papers were then presented to Cabinet members and around 5 minutes later the meeting resumed. Members of the public, unless present, were unable to view these amended documents until after the meeting closed.

Firstly, we do not feel that Cabinet members had long enough to read these amended papers to be able to take an informed decision on them and agree the recommendations.

Secondly, we were alarmed at the changes that took place within these documents raised more questions that now remain outstanding and need clarifying before a consultation on this should go forward.

We are very concerned regarding the HIF project and how this will progress in its entirety within the £170m budget. The original appendix 5 highlighted around £100 million of funding required from s106 to complete what falls within the HIF scheme. The amendments just cut those sections from the document, and it is therefore unclear if this project is on track financially. It is fundamental to the Hoo Development Framework and the consultation going forward, to know if this project can be delivered within budget without the need to be propped up by s106 funding.”

- 2.4. A report was included on the agenda of the Regeneration, Culture and Environment Overview and Scrutiny Committee meeting held on 11 August 2022 which provided details of the call in, together with comments in response from the Director of Place and Deputy Chief Executive, the Monitoring Officer and the Chief Operating Officer.
- 2.5. The minutes of the Committee’s consideration of the call-in are set out in Appendix A to this report.
- 2.6. The Committee agreed to refer the Cabinet decisions to Council for consideration.

3. Monitoring Officer and Chief Operating Officer comments

- 3.1. This report advises the Cabinet of the outcome of discussion at the Regeneration, Culture and Environment Overview and Scrutiny Committee as a consequence of the call-in of Cabinet decisions 89-91/2022. Section 9F of the Local Government Act 2000 requires a local authority’s executive arrangements to provide for Overview and Scrutiny Committees to have the power to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Executive (i.e. Leader and Cabinet). This includes the power to review or scrutinise a decision made but not implemented (known as the call-in

procedure) and to recommend that the decision be reconsidered by the person who made it (in this case the Leader and Cabinet) or to arrange for scrutiny of the decision to be exercised by full Council. The decision(s) subject to call-in cannot be implemented until the conclusion of this process.

- 3.2. The options available to the Regeneration, Culture and Environment Overview and Scrutiny Committee on 11 August 2022 in relation to this matter were either to consider the matter and accept the Cabinet decisions, to ask the Leader and Cabinet to reconsider the decisions or to refer the matter to full Council. The Constitution is clear that a decision can only be called in once.
- 3.3. On 11 August 2022 the Regeneration, Culture and Environment Overview and Scrutiny Committee decided to refer decisions 89-91/2022 to full Council. The Committee did not set out its reasons for this referral.
- 3.4. Full Council will be asked to consider the referral from the Committee and will need to decide whether to take no further action (in which case the original decisions 89/2022, 90/2022 and 91/2022 can be implemented) or to refer the decisions back to the Cabinet for reconsideration.
- 3.5. The options available to Cabinet at this point are to either submit any comments to Council for consideration alongside the referral from the Committee or decide to not submit any comments.
- 3.6. The advice of the Monitoring Officer and the Chief Operating Officer to the Regeneration, Culture and Environment Overview and Scrutiny Committee was that the Cabinet decisions taken on 26 July are not contrary to the Budget or Policy Framework.
- 3.7. The Council's Policy Framework is defined in paragraph 4.1a of Article 4 of the Constitution and the Monitoring Officer's conclusion is that the consultation document does not breach any of these policies.
- 3.8. The latest capital monitoring submitted by the project team, indicates that the HIF scheme will be delivered within the budgeted funding envelope agreed with Homes England. Any references to costs over and above the £170million relate to risks that will need to be managed or decisions that have yet to be made and which in any event would need to be agreed with Homes England. Therefore, the Chief Operating Officer has concluded that the decisions made by Cabinet do not fall outside the budget.

4. Risk management

- 4.1. Cabinet Members were advised of the following risk management issues in the Cabinet report on 26 July 2022.

Risk	Description	Action to avoid or mitigate risk	Risk rating
Consent refusal	The Future Hoo applications are refused consent after the full assessment work is undertaken.	Ensuring the scheme is well designed, mitigation and follows the mitigation hierarchy.	D1
High Inflation	Current market volatility and high inflation levels resulting in difficulty to accurately and reliably determine future pricing for schemes	Cost projections include inflation and cost rise risk allowances. As design progresses costs become more predictable	B2
Potential Delays arising from 3 rd parties	The risk remains that the partners of the Council are unable to maintain good progress and milestones slip impacting on deliverability and the GDA.	To continue to work collaboratively with 3 rd parties to ensure the scheme addresses the milestones in the GDA.	B2

5. Climate change implications

5.1. Cabinet Members were advised of the following climate change implications in the Cabinet report on 26 July 2022:

5.1.1. In bringing forward Future Hoo, the Council has from the start recognised the need to ensure that the interventions, and the development they support, help deliver Medway (and the Government's) aim of meeting net zero by 2050. That is why both highways and rail interventions are supported, and why the highway interventions will be designed to link well with surrounding development and facilitate active travel and bus movements.

5.1.2. The applications for the Future Hoo interventions will be supported by carbon assessments that will take account of the cumulative impacts of the road, rail and traffic movements associated with new housing.

5.1.3. This assessment will also report on the assumptions made in respect of carbon in construction and the Council is committed to ensuring that all of the Future Hoo programme is delivered as sustainably as possible (for example, through deliveries by rail for the rail scheme).

6. Financial and Legal implications

6.1. None arising from the Report, beyond those set out in the Cabinet Report 26 July 2022.

7. Recommendations

7.1. The Cabinet is asked to:

- a) note the decision of the Regeneration, Culture and Environment Overview and Scrutiny Committee at its meeting on 11 August 2022 to refer the Cabinet decisions to Council for consideration.
- b) decide whether to forward any comments to full Council.

8. Suggested reasons for decisions

- 8.1. To enable the Cabinet to provide any additional comments to Council for its consideration of the Regeneration, Culture and Environment Overview and Scrutiny Committee's referral.

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Appendices

Appendix A – Minutes of the discussion at the meeting of the Regeneration, Culture and Environment Overview and Scrutiny Committee held on 11 August 2022

Background papers

None

Discussion:

Members considered a report regarding a call-in received from eight Members of the Council regarding the Cabinet decisions taken on 26 July 2022 on the Future Hoo Progress Report.

Councillor Mrs Turpin, as the lead call-in Member, explained the reasons for the call-in, as set out in paragraph 2.12 of the report to the Committee. She noted that

- at the Cabinet meeting on 26 July, several changes had been made to the Medway Infrastructure Delivery Plan (Appendix 5 to the Cabinet report), however, she did not believe the revised figure agreed at the meeting was correct.
- all the additional rail infrastructure funding had been removed, queried therefore how a functioning railway station could be delivered. Removing the highways funding lines did not mean that these projects were no longer required
- the sports centre delivery was in question,
- health and social care funding estimates had been removed, but the point was made that these were still needed to give an indication of what could actually be delivered.
- the purpose of the HIF was to have the infrastructure in place before housing was built. The funding was now uncertain, given the significant reliance on S106 contributions and the fact that in many areas funding sources were still to be determined. Without more certainty around funding it seemed unwise at this point to go out to consultation.

Other Members who had called in the decisions made the following points:

- It was unclear whether the HIF project was on track financially
- Whilst the proposed projects in the Infrastructure Delivery Plan (IDP) were welcomed, whether they could be funded was a significant concern
- The validity of the documents agreed by Cabinet was questioned
- There were concerns about the removal of the budgetary pressure for passenger subsidies, given the need to identify funding for the railway station
- The removal of the funding set aside for the Hoo Peninsula Road additional costs, including contingency, was a concern given high inflation and the impact on construction costs
- There was a need for certainty as to whether projects could still be delivered given the changes made by Cabinet to Appendix 5
- There had been insufficient engagement with local Members
- There was too much reliance on S106 contributions and greater clarity was needed, particularly as elements of this were higher risk and the amounts being sought were higher than usual

- Cabinet had set aside feasibility funding in 2018 to allow detailed consideration of a possible sports centre, but no work seems to have taken place, even though the present sports centre was not adequate.

The Director of Place and Deputy Chief Executive apologised to Members for the issues with Appendix 5 of the Cabinet Report in particular, acknowledging that whilst these were complex matters, the information should have been made clearer. Responding to the points raised by members of the Committee;

- that Cabinet Members had not had enough time to read the amended papers after the adjournment, he noted the changes to Appendix 5 had been requested by Members and Cabinet had simply needed to assure itself these changes had been incorporated; indeed, the Leader had gone through them at the meeting in detail. Further, Appendix 5 was not the document subject to consultation and thus not one for a decision by Cabinet.
- The IDP was a requirement under national Planning policy, which recognised that there may not be certainty or the funding secured for the necessary strategic infrastructure at the time the plan was produced. This point was reiterated in the IDP itself and also seen in other Councils' IDPs. Members had rightly pointed out additional funding was required, but that was countenanced under national planning policy. It would be virtually impossible to finalise, quantify and secure funding such a long time in advance and the IDP would continue to evolve over time.
- With regard to the HIF, these projects would be able to be constructed within the funding envelope agreed with Homes England. There were significant cost pressures which were impacting on the construction sector. The Council's housing target in 2016, before HIF, was 30,000. HIF funding had been secured through a competitive process which allowed the Council to forward fund core infrastructure projects. Without HIF these would have to be funded by developer contributions, which could only go so far and if spent on core infrastructure could not also be spent on community facilities, such as health and education. With or without HIF the housing target remained at 30,000 homes and some form of housing development on the peninsula was inevitable.

The Committee then debated the call-in and the following issues were discussed:

- *Changes made to the Infrastructure Delivery Plan* - some Members considered that the revised Appendix 5 still contained serious errors. In terms of funding which needed to be identified, £100m had been removed from Table 1A in Appendix 5 and clarity was requested on costings so that people on the peninsula could see whether what was being consulted on could be delivered. Officers explained in detail, on a line-by-line basis, why each change to the Infrastructure Delivery Plan had been made.
- *Explanatory document* – Members suggested that an additional document should be produced to clearly explain the key elements of the Hoo Development Framework and how they will be funded, including current

uncertainties and the assumptions that had been made around S106 contributions. This would assist Members when engaging with residents. A point was made that the process needed to be more transparent with greater Member involvement.

- *Budget and Policy Framework considerations* – the Monitoring Officer assured Members that the Cabinet decisions were not a breach of the Policy Framework. The latter was defined in the Constitution and included the Local Plan (referred to as the Development Plan). The Consultation document did not breach any of the policies which comprised the Policy Framework.
- *Hoo Development Framework (HDF)* – officers advised this was at an early stage and was an attempt to show what sustainable development for the peninsula looked like. In the absence of a Local Plan, concerns about delivery were understandable but the document was not a wish list and had been developed in consultation with stakeholders and providers, and at this stage there could not be certainty about costings. Members were assured that the HDF was a part of the evidence base for the Local Plan, which would continue to be developed.
- Members questioned why consultation on the HDF had to happen now when it was dependant on the HIF being delivered, which was not certain. The weight the approved document would be given in the absence of a Local Plan was also queried. The Head of Planning advised that it was now the right time to go out to consultation to set out the wider context for the HIF projects, as requested by residents. The HDF was a consultation document which forms part of the evidence base for the Local Plan.
- Members queried what would happen if developers submitted planning applications for Hoo on the basis of the existence of the HDF when the evidence base was not there yet. The Head of Planning commented that developers understood the situation and were holding back on submitting large planning applications. Any applications made before the Local Plan was adopted would be assessed on its merits. With HIF in place, applications would be more sustainable. Without HIF, S106 contributions would need to go towards the costs of infrastructure.
- *Committing future Administrations to policies* – the point was made that it should be possible to give some guidelines as to what was expected of future Administrations.
- *S106 Contributions* – whether these would need to substantially increase to pay for the projects in the Infrastructure Delivery Plan was queried. Officers advised that the IDP was developed on an iterative basis, that built on past experience in securing S106 contributions and would evolve as the evidence base was gathered. The IDP made clear that only infrastructure required in the first 5 years must be shown to be deliverable. There was a need to be clear about aspirations, but it was not possible to provide certainty over 20 years of development at this stage of the process. The Head of Planning confirmed there would need to be an uplift in S106 contributions, which would

fund significant elements of the infrastructure, but other funding would still need to be identified.

- *Rail Service offer* – how to future proof this to allow the Medway curve to be built in the future was queried. Officers advised that the rail service proposed was deliverable and enabled the service to grow as the community grew. Initially, there would be a battery operated two carriage train capable of carrying 120 passengers. The impact on existing freight services was a constraint but the tracks existed already and were being tested to make sure they could deliver the expected passenger service. Officers advised the design of the service would not preclude the Medway curve in the future. Whether the land needed for the Medway curve was in Council or third-party ownership would be clarified. It was pointed out that Network Rail had signed up to the Council's proposals. Members expressed surprise at the response that the three transport projects that had been removed had never been part of what had been agreed with Homes England in terms of HIF funding and were for the Council to decide on at a later date. The fact these elements were aspirational had not been made clear.
- *Governance around the Local Plan* – concern was expressed at the lack of wider Member involvement in the development of the Local Plan, with insufficient time for Members to make informed decisions.
- *HIF project* – in response to how much was left of the £170m allocated, Members were advised that an annual budget was prepared and monitored quarterly. To date £10m had been spent, which had helped to provide considerable certainty for the project, involving consultations, due diligence and wider planning for the scheme. A Member queried this figure on the basis £6m had been budgeted for delivery. Officers advised the delivery budget was not overspent, and spend on highways etc would be allocated to the relevant element of the budget and not against the delivery budget. Officers advised that every claim for the costs of HIF projects had to be approved by Homes England.

It was proposed that the decisions be referred back to Cabinet for reconsideration with a recommendation that a new, concise document be produced as part of the consultation process to enable a better understanding of the wider issues in the Hoo Development Framework. Although this was agreed, due to concerns that not all Members had fully understood the scope of the new document being recommended, there was an adjournment so that the exact wording could be formulated and put to the Committee.

Following the adjournment, Members were advised that if the Committee considered the decision had not been fully understood by all Members then it was open to the Committee to rescind its decision. Following a vote, the Chairman announced that the decision to refer the matter back to Cabinet had been rescinded.

It was then proposed that the Cabinet decisions be referred to Council. The Monitoring Officer advised that the Committee would need to decide that it had considered the advice from the Monitoring Officer and the Chief Operating Officer

that the Cabinet decisions were not outside the budget or policy framework, and had decided to disagree with that advice.

The proposal that the decisions be referred to Full Council was agreed.

Decision:

The Committee agreed to refer the Cabinet decisions to Council for consideration.

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