

REGENERATION, CULTURE AND ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

12 AUGUST 2021

PETITIONS

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

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Summary

This report advises the Committee of petitions received by the Council which fall within the remit of this Committee including a summary of the response sent to the petition organiser by officers.

1. Budget and Policy Framework

1.1 In summary, the Council's Petition Scheme requires the relevant Director to respond to the petition organiser, usually within 10 working days of the receipt of the petition by the Council. Overview and Scrutiny Committees are always advised of any petitions falling within their terms of reference together with the officer response. There is a right of referral of a petition for consideration by the relevant Overview and Scrutiny Committee by the petitioners if they consider the Director's response to be inadequate. Should the Committee determine that the petition has not been dealt with adequately it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to Cabinet and arranging for the matter to be considered at a meeting of the Council.

1.2 The petition scheme is set out in full in the Council's Constitution at:

<https://www.medway.gov.uk/downloads/file/5702/401 - council rules>

1.3 Any budget or policy framework implications will be set out in the specific petition response.

2. Background

2.1 The Council's Constitution provides that petitions received by the Council relating to matters within the remit of an Overview and Scrutiny Committee will be referred immediately to the relevant Director for consideration at officer level.

- 2.2 Where the Director is able to fully meet the request of the petitioners a response is sent setting out the proposed action and timescales for implementation.
- 2.3 For petitions where the petition organiser is not satisfied with the response provided by the Director there is provision for the petition organiser to request that the relevant Overview and Scrutiny Committee review the steps the Council has taken, or is proposing to take, in response to the petition.

3. Completed Petitions

- 3.1 A summary of the responses to petitions relevant to this Committee that have been accepted by the petition organisers is set out below.

Subject of petition	Summary of response
<p>To have the back driveway to our rear access at High Street Halling resurfaced.</p> <p>22 signatures (paper petition)</p>	<p>Although we are under no obligation to maintain the driveway for those that use it and none of the residents pay to use it, we have on several occasions in recent years, at the request of residents, repaired the potholes with compacted road stone to maintain the safety of pedestrians and private vehicles using the driveway.</p> <p>As you will be aware, the driveway extends to 220 metres. To have it resurfaced with appropriate drainage would cost a significant sum that, unfortunately, there is no budget for. I will, as previously requested, arrange for the potholes to be filled, but I am afraid your request to have the driveway resurfaced will not be possible.</p>

4. Petition not yet concluded

- 4.1 A response has been sent to the petitioner organiser for the following petition. If a request to refer this petition to this Committee is received, it will be referred to a future meeting.

Subject of petition	Summary of response
<p>Provide a road crossing patrol officer at Chattenden Primary School.</p> <p>92 names (e-petition)</p>	<p>The Road Safety Team is currently reviewing a pedestrian / vehicle count (a PV2 assessment) on Kitchener Road which took place on 20 April 2021 in line with the morning school drop-off and afternoon</p>

Subject of petition	Summary of response
	<p>collection times. The assessment considered driver and pedestrian behaviour, including vehicle speed, and pedestrian crossing waiting times.</p> <p>We receive a high number of requests for new patrol sites and assess and prioritise each site accordingly to greatest need. That work is ongoing for this particular location, and my team will follow up with you on the outcome of that work.</p> <p>The Police Community Support Officer (PCSO) for the Chattenden area has been asked to attend Kitchener Road during school peak times, to show a presence and help deter poor driver behaviour. The school has also requested Police assistance. We have been in discussions with the landowner and pending the necessary permissions, a Traffic Order can be agreed to enforce restrictions. In recent years a series of minor works improvements have taken place on Kitchener Road, including traffic calming and signage to help notify other road users of their proximity to a school and the presence of children within the vicinity.</p> <p>The Sustainable Transport Team, who coordinate road safety education and safer routes to school initiatives, will continue to liaise with the school and will encourage the school to develop their School Travel Plan, which serves as a means for the school community to give their feedback in relation to the school journey.</p>

5. Petition Referred to this Committee

- 5.1 The following petition has been referred to this Committee because the petition organiser indicated that he was dissatisfied with the response received from the Director of Place and Deputy Chief Executive.

5.2 Petition to reject plans to build a relief road on Deangate Ridge Golf and Sports Complex

- 5.3 An e- petition containing 2,809 signatures was presented by Councillor Sands on behalf of the petition organiser at full Council on 22 April 2021. The petition statement was as follows:

'Medway Council's "New Routes to Growth" consultation shows details of a new spur "relief" road from a new roundabout on Peninsula Way. The new road will effectively destroy the western end of Deangate Golf Course and split it in two. Medway will not release the traffic assessment to justify the road. It is clearly linked to proposals to develop Deangate with luxury housing, described in the plan as "Parkland living".

Over the past three years residents have effectively demonstrated the need to retain and protect the whole Deangate Ridge Golf Club and Sports Complex asset and by their continued and extensive use of the site for recreation despite any meaningful upkeep by Medway Council and despite the change of use granted to, and continuing "temporary" occupation by, Medway Norse.

Deangate Ridge Community Partnership succeeded in having the Deangate Golf Club and Sports complex registered as an Asset of Community Value ("ACV") under s.89 of the Localism Act, providing statutory recognition of its importance to the social wellbeing and social interest of the local community. However, that designation expires in April 2023. Deangate also sits adjacent to Lodge Hill which is the only protected SSSI site in the country for breeding Nightingales; designated after a national campaign led by the RSPB and the local community. Retention of Deangate free from development, roads and traffic is essential to protect and enhance the rich biodiversity of Lodge Hill.

The evidence clearly shows that the area plays a vital role in the community, providing an essential wildlife sanctuary and an area for public recreation providing a treasured green lung for the entire local Hoo Peninsula community, now facing unprecedented major built development.

The asset can be seen listed at [https://www.medway.gov.uk/downloads/file/3795/assets of community value register](https://www.medway.gov.uk/downloads/file/3795/assets%20of%20community%20value%20register).

We the undersigned petition Medway Council to reject plans to build a relief road on Deangate Ridge Golf and Sports Complex. We further call on Medway Council to retain Deangate Ridge Golf and Sports Complex as an asset that would further the social wellbeing and social interests of the local community such as a Country Park.

- 5.4 On 6 May 2021, the Director of Place and Deputy Chief Executive responded as follows:

'Thank you for your petition concerning Deangate Ridge Golf and Sports Complex.

The emerging Medway Local Plan is required to plan positively for the high levels of housing need set out in government policy. We are considering growth on the Hoo Peninsula as part of our proposed strategy for delivering sustainable growth across Medway in the new Local Plan. Sustainable development seeks positive outcomes for the environment, communities and the economy. As you will be aware, transport is a major factor for the Hoo Peninsula and in considering growth on the Hoo Peninsula, it is essential to plan for improvements in travel choice. The HIF programme provides for some of the investments for transport upgrades. The wider work on our new Local Plan will further consider how to deliver sustainable development on the Hoo Peninsula, providing land for homes, jobs, services, shops, community facilities, parks and open spaces. Decisions on future use of land will form part of the new Local Plan that will be submitted to Government for independent examination. Further information on the draft Local Plan and the proposed development strategy will be published this autumn.

We continue to consider and explore the long-term future of the former Deangate Golf Course and the adjacent athletics track.

The HIF-related relief road, which accesses the bottom corner of the former golf course is a key proposal of the HIF scheme and has been consulted on through the HIF consultation that ran between January and April this year.

We will be analysing the HIF consultation responses and will then be in a position to review the highway design proposals and respond accordingly.

The role that these two sites will play will be communicated in the forthcoming Hoo Development Framework. This will be a key document supporting the Local Plan publication draft and will help inform the range of community, residential and leisure opportunities that both of the Deangate sites can realise.

Until as a minimum, the Hoo Development Framework is complete and published as part of the Local Plan processes, we will not be finalising future land uses across either the former golf course or athletics track.'

- 5.5 On 14 May 2021, the petition organiser requested that the matter be reviewed by the relevant Overview and Scrutiny Committee. The reasons for referral are as follows:

'As the lead petitioner, I write to you to invoke my right to ask for the matter to be reviewed by the relevant Overview and Scrutiny Committee. I make this request as I do not believe that the Council has dealt with the petition.

The Council response letter to the Petition demonstrates a complete disregard of the Localism Act 2011 and the status of Assets of Community Value held by Medway Council on the following grounds:

1. At no point in the petition response letter does the Council make any reference to the Asset of Community Value status of the site nor does it consider the impact of this status on the mentioned emerging Medway Local Plan, HIF Programme or associated public consultation, Hoo Development Framework or local plan processes.

On 29th April 2018 Medway Council acknowledged receipt of a complete nomination under section 89 of the Localism Act 2011 ("the Act") to list the Deangate Ridge Golf Club and Sports Complex as an asset of community value. The nomination was made by Deangate Ridge Community Partnership an unincorporated body consisting of in excess of 21 members.

On 30th May 2018 the Director of Regeneration, Culture Environment and Transformation and Deputy Chief Executive accepted the nomination to list Deangate Ridge Golf Club and Sports Complex as an asset of community value. Accordingly, Deangate Ridge Golf Club and Sports Complex has been entered into the Council's Register of Assets of Community value.

Under the Asset of Community Value regime, you cannot just simply relocate an asset to an alternative site therefore consideration must be made of the ACV and Deangate site as part of the emerging Local Plan and HIF.

2. The Petition called upon Medway Council to retain Deangate Ridge Golf and Sports Complex as an asset to further the social wellbeing and social interests of the local community such as a Country Park. This would have required the council in their response to demonstrate consideration, planning and a commitment to maintain the site.

It is also noted, that whilst Medway Council confirmed a S106 agreement of £530k in January 2018 for the Deangate site. On 6th February the Cabinet agreed to close Deangate Ridge and also instructed officers to begin detailed planning of a new sports centre on the Hoo Peninsula (Decision number 24/2018) and on 28th March 2018 having taken into account the comments of the Regeneration, Culture and Environment Overview and Scrutiny and the campaigners confirmed decision 24/2018.

None of the S106 money has been spent on improving or maintaining the site. As Chair of the Deangate Community Partnership, the holder of the ACV, I can confirm that at no time since ACV status was confirmed, have we been consulted with regards to the emerging Local Plan and HIF.

The response makes reference to the role the Deangate sites will play in the Hoo Development Framework without explanation of who is preparing it, how it relates to the Medway Local Plan or whether there will be a public consultation that the public can fully take part in without the very real legal constraints the government have imposed as a result of the covid 19 Pandemic.

The petitioners strongly believe that the site is being deliberately left to dilapidate. The petition response letter from Medway Council ignores that

ACV status and focuses on overarching development plans, none of which demonstrate any consideration to maintaining the Deangate Asset in the interim or future.

I therefore once again call for this decision to be reviewed by the relevant Overview and Scrutiny Committee.'

5.6 In response, the Director of Place and Deputy Chief Executive has further commented as follows:

'My response focused on the original petition and set out that the future of the Deangate site is to be reviewed through the production of the Hoo Development Framework and the Local Plan. In response to the request to have this considered by Committee, I have set out further information to address the following points:

1. The Hoo Development Framework and links to the registered Asset of Community Value (ACV)
2. Consultation on the Framework
3. The site's ongoing management.

The Hoo Development Framework:

The emerging Local Plan is required to plan positively for the levels of housing need set out in Government policy. The Council is considering growth on the Hoo Peninsula as part of its proposed strategy for delivering sustainable growth across Medway in the new Local Plan. The wider work on the new Local Plan will further consider how to deliver sustainable development on the Hoo Peninsula, providing land for homes, jobs, services, shops, community facilities, parks and open spaces. Decisions on future use of land will form part of the new Local Plan that will be submitted for independent examination, where the soundness of the development strategy will be considered, including any proposed uses for Deangate Ridge land. Further information on the draft Local Plan and the proposed development strategy will be published this autumn as part of the formal Regulation 19 consultation.

The Council is preparing a Hoo Development Framework, which will support the proposals for a strategic growth allocation on the Hoo Peninsula as part of the evidence base for the emerging Local Plan. The Hoo Development Framework will include a masterplan outlining strategic growth on the Hoo Peninsula and principles for bringing forward sustainable development.

The preparation of the Local Plan also involves a Sustainability Appraisal which considers alternatives and options on policies, development locations and sites. The Deangate sites are assessed through this process, including consideration of the site characteristics and environmental features. The Sustainability Appraisal will be published with the draft Local Plan this autumn.

An Asset of Community Value listing can be a material planning consideration in the decision on any planning application for both the proposed road scheme and any proposals for development on the site that may be supported by the new Local Plan and the Hoo Development Framework. The weight to be attached to that consideration is a matter for the decision-maker.

Consultation on the Framework:

The Council consulted on 'Planning for Growth on the Hoo Peninsula' in Spring 2020 and referred to the comments received through consultation being considered in preparing a more detailed document, setting out a framework for development around Hoo.

There has been no formal consultation on the emerging Local Plan since the designation of Deangate Ridge as an Asset of Community Value. The Planning Team will seek the agreement of the Deangate Community Partnership to be added to its consultation database for planning policy matters, including the preparation of the new Local Plan.

The Council is carrying out focused engagement work in the coming weeks to provide input to the Hoo Development Framework. The engagement programme will include representatives of local communities, Neighbourhood Planning groups, environmental stakeholders and representatives of the development sector. The Hoo Development Framework will be published with the draft Local Plan this autumn, and comments can be submitted as part of the formal representations on the draft Local Plan at this Regulation 19 stage.

The site's ongoing management:

Medway Norse continues to maintain the former golf course grassland and scrub habitats at Deangate with a mowing regime in place to ensure the site does not deteriorate. With the support of the Council, Medway Norse has also put in place a footpath which borders their car park and facilitates access to this part of the site. In planning for growth on the Hoo Peninsula, significant improvements in services and infrastructure are required. This includes provision for sport and leisure facilities. The Council is considering how developer contributions collected for sport and leisure can be used most effectively to deliver improved facilities, such as a new sports centre.

I look forward to the Deangate Community Partnership's participation and inputs to the development of the Hoo Development Framework and the Local Plan.'

6. Risk Management

- 6.1 The Council has a clear scheme for handling petitions set out in its Constitution. This ensures consistency and clarity of process, minimising the risk of complaints about the administration of petitions.

7. Financial and Legal Implications

- 7.1 Any financial implications arising from the issues raised by the petitions will be taken into account as part of the review of these matters. Actions referred to in the officer responses are within existing budgets, however any further activity would require Cabinet and Council approval for budgetary additions if funding was available.
- 7.2 Overview and Scrutiny Rule 21.1 (xiv) in the Council's Constitution provides that the terms of reference of this Committee include the power to deal with petitions referred to the Committee under and in accordance with the Council's petition scheme.

8. Recommendations

- 8.1 The Committee is requested to note the petition responses and appropriate officer action in paragraphs 3 and 4 of the report.
- 8.2 The Committee is requested to consider the petition referral request and the Director of Place and Deputy Chief Executive's response in paragraph 5 of the report.

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Appendices

None

Background Papers

None