

Public document presented to:
INFRASTRUCTURE OVERVIEW & SCRUTINY COMMITTEE 29th July 2004

FUSEHILL STREET COMMUNITY GARDENS (FSCG)

It is true that FSCG would be an ideal site to fulfil the wants of the doctors for their medical centre business.

It is also true that FSCG is the last green space to meet the needs of all residents over 12 years old in the area.

The doctors could have their medical centre elsewhere.

All Botchergate residents over 12 years old could not have a usable space anywhere else within reasonable walking distance.

PLEASE GIVE CONSIDERATION TO THE FOLLOWING POINTS:

1. There are already 17 doctors in the vicinity. (Yellow Pages)
2. There is a strong need here for a green space for restoring health and maintaining well-being because most dwellings only have back yards, if that. Landscaping is no substitute for usable areas with grass and trees (For research on open space visit www.openspace.eca.ac.uk)
3. There is nowhere else safe and close enough where young people over 12 can reasonably get some exercise and daylight whilst staying within reach of parental control and assistance. There is a Police crime prevention scheme urging parents to know where their children are.
4. There is nowhere else where adults, able-bodied and disabled, young and old can be to just chill out away from traffic and concrete.
5. The proposals for the medical business includes seating for the public but, even assuming this facility remained available, it would not be possible to access the seats on a summer evening after 6.30pm or on a weekend because the surgery would be locked up at those times. And anyway, who wants to look at more traffic and concrete ?
6. The doctors say it would be on a bus route and their elderly patients and patients with mobility problems would benefit from it but according to Ward Councillor Lucy Patrick's estimation, only 15% of the signatures on the doctor's petition were local to Botchergate. Perhaps the rest of their local patients would prefer a green space within walking distance to a new medical centre in that location. Green space has a restorative value and without FSCG, too many residents would suffer total loss of realistic access to a grassed area with trees.
7. The doctors have a lot of patients in Currock, Upperby and Stanwix, too. How would it benefit the elderly and disabled in those areas to travel to Botchergate?
8. There is considerably more green space in these areas than in Botchergate and they have plenty of bus routes, too. They would not be left with nothing for all groups over 12 years old if the doctors were to relocate to their area.
9. Drs can relocate successfully, witness the Eden Group Medical Practice at Port Road.
10. **Prevention is better than cure, even assuming that cure is an option.**

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11. Any health professional with real concern for people's well-being would not even attempt to withdraw this basic human necessity. The doctors embarrass themselves by their lack of concern for people's health and well-being and should bear in mind that even though the offer was made off the open market, the sum paid would become public knowledge after the sale.

12. If people on low income, without vehicles and possibly with impaired mobility, too, have nowhere within walking distance to actually go to, then they do get trapped indoors and their health deteriorates. Holidays in the sun may be a rarity. During the course of this farce, my neighbour's health diminished and she ended up effectively being trapped in her own home. She has now gone permanently into a care home. There, she has somewhere to walk to and she now walks nearly a mile each morning. I have seen her since and it is amazing how at 87 years old, she has dropped a good 10 years off her looks.

13. Vitamin D needs daylight to be absorbed. A lowered risk of heart disease, osteoporosis and schizophrenia is now being linked to sunlight exposure. Also, Vitamin D is involved in balancing insulin levels; it is needed for healthy bones and teeth; it is now thought to be a powerful anti-cancer agent. "It's been estimated that up to 15% of all cancers (excluding lung cancer) in the UK are linked to a deficiency of Vitamin D." (Dr Damien Downing, Editor of "The Journal of Nutritional and Environmental Medicine.") Vitamin D can only be stored in the body for about 3 months. So one needs to stock up on it in the summer months.

14. When daylight enters the eye, the pineal gland causes an increase in serotonin levels. Serotonin creates a feel-good factor. There are positive knock-on effects in terms of modulating the immune system, lowering the risk of autoimmune diseases such as Multiple Sclerosis and rheumatoid arthritis, and reducing depression and food cravings.

15. Children are playing with footballs in the street and are getting hurt.

16. Children are causing criminal damage to cars and houses because of lack of relevant facilities.

17. Children are putting their bikes up against the railings at FSCGs to climb over and they are still getting inside proving that there is a strong and continuing need for this green space.

18. On the public consultation for the doctors, 26.6% replied and of those replies 96.6% were in favour of the medical centre, i.e. only 1 in 4 of those surveyed preferred the option of a new medical centre over the only alternative presented then - "the present unsatisfactory use of the location." No other alternative, such as a "green space with relevant usage to residents" being mentioned.

19. The "consultation" by Property Services was the absolute legal minimum of 2 adverts in the newspaper.

20. The "consultation" by Planning Services was 38 letters to residents in the very near

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vicinity. Loss of a communal amenity affects the whole community not just adjacent dwellers.

21. There has been fallacious representation of the quantity of interest shown by Botchergate residents in retaining the green spaces.

21.1 For the Rydal Street Play Area, in 2001, there was a perfectly respectable petition of just over 100 signatures to "express concern" about the anti-social behaviour at this facility but the report, reference LD1/02 by Chris Wright at the Culture, Sports and Leisure Services, represented / misrepresented that as, "Request from Residents to Close Down Rydal Street Play Area" though not one person had signed anything to that effect.

21.2 The Council Portfolio Holder, Mrs Pattinson, circulated a questionnaire. There is some confusion as to who actually received this questionnaire as many residents did not get one yet it states that it was sent to all residents in the area bounded by Botchergate, Rydal Street, Fusehill Street and Brook Street. Not so. The questionnaire is to be highly commended as an example of spin as it is notably lacking in quality consultation and arrives at a manipulated result. It also implies that some or all of the money raised from the sale of Rydal Street Play Area may be used for the Grey Street Play Area at FSCGs. Yet, the Rydal Street site sold for £70,000 and now, from the sale of both the Rydal Street and FSCG, the proposal is to use only £61,000 on the Grey Street site. What's happening there ?

21.3 For Rydal Street, there was a petition, in two parts, to retain the area as green space and object to the play area being leased or sold.. The first part was delivered on 19th May 2004 - thereby allowing the right to speak against granting of planning permission at the Development Control Committee meeting on June 4th. The second part was delivered on 1st June and therefore did not count for the Development Control meeting. However, no mention was made of the first petition and the second was discredited by Cllr Morton who, holding that petition and an attached part-petition for FSCGs in his hand, drew the conclusion that it was a single petition and announced that it had names signed twice in different handwriting. I signalled a wish to speak to Chair, Cllr Collier but was not allowed to. The previous day, I had requested the Case Officer to put the FSCG petition into the FSCG file but this had not happened. In due course Cllr Morton apologised in public and in writing but clearly the damage to the open space cause at Rydal Street had been done and planning permission was granted.

21.4 Three days later, David Atkinson, Head of Property Services had very swiftly sold off the Rydal Street Play Area. This meant that the right to speak to the Executive occurred at a useless and undemocratic stage after the site had been sold.

21.5 David Atkinson, Head of Property Services, stated at that Executive committee meeting that the petition had been too late and had not arrived until 1st June. Both parts of this petition were receipted and Planning Services sent a letter of acknowledgement, 20th May, for the first part of the petition. (All proof available.)

21.6 Cllr Bloxham did not remain impartial at the Development Control

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meeting, he significantly reduced the quality of consultation at the informal meeting of the petitioners' representatives with the Executive on 12th July and he was noisy and distracting when I spoke at the Executive meeting on 19th July. Leader of the Council and Chair, Cllr Mitchelson failed to keep him in order.

21.7 For the Fusehill Street site, petitioners' representatives are still awaiting a logical response from David Atkinson to some of their questions at the meeting on 12th July.

21.8 At time of writing, 2 sets of supporting materials for this meeting have been received by me. One set contains 2 petitions in favour of the proposal and 2 against, and the other set contains 2 petitions in favour and only 1 against. The petition missing in one set is a petition in two parts. Part 1 (28 signatures) had a letter of acknowledgement from Legal and Democratic Services, 14th May 2004: Part 2 (26 signatures) was receipted by Reception on 1st June. (Proof for both available.)

22. The petitions for Rydal Street and FSCGs were submitted as part-petitions to counteract the difficulties experienced through mobility problems. Clearly, everyone is set at a considerable disadvantage in exercising democratic rights when the attitude operating now in some Business Service Units is to set Citizen against Civic and enjoy watching the poor fools thrash against the Civic machine whilst professionalism and the best interests of Carlisle people just vaporise. The disadvantages multiply when there are mobility difficulties and the first step on the consultation ladder is to go around the houses to get a petition. Small wonder hard to reach groups remain hard to reach. Plus petitions are very open to misinterpretation.

23. Both sites had forms "Application for Permission to Develop Land etc" that stated no trees to be felled. However, 9 out of 11 trees were cut down at Rydal Street. Were the Medical Centre proposal to be permitted, then some trees there would be lost. Whilst health problems relating to asthma increase nationally, Carlisle Planning Services allows over-building in areas already too densely urban and wantonly destroys "green lung" areas to do so.

24. Lack of relevant, accessible facilities is causing some people to drive their dogs to suitable green space to walk them. This lack of facility exacerbates air quality problems.

25. Lack of relevant, accessible facilities increases anti social behaviour.

26. The Carlisle District Local Plan sets standards for open space and leisure facilities for all. FSCG is only 50m x 43m. Were the proposal to build a business on this site permitted then the health and well-being needs and the active and passive leisure and recreational needs of all Botchergate people - residents, students and visitors, would have to be supplied in the Grey Street Play Area. All other spaces in the locality are not actually usable other than for seating (to watch the goings on but not for peace and quiet). The Grey Street Play Area is 52m x 31m.

27. Central Government encourages the use of Section 106 Agreement which is a unilateral statement by the Developer or an agreement between the Developer and the

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Local Authority - relevant to the development but not part of the development itself - to give payment or carry out action which would be of wider use to the community.

28. Article 25 of the General Development Order 1995 as amended in 2002, Article 25 (3) entitles the public to see a copy of any proposals as well as any completed agreement under Section 106.

29. Neither Rydal Street Play Area nor Fusehill Street Community Gardens have a 106 agreement despite the profound effect of loss of a communal amenity.

30. PPG 17 states that Developers should be required to supply an independent open space audit where there is no robust and up-to-date one available. Neither Rydal Street Play Area nor Fusehill Street Community Gardens have this although there is no robust and up-to-date one available from Carlisle Council.

31. Other councils use unlinked lists of bidders and bids whilst considering disposal of assets. This enables them to keep things open and accountable and on Agenda A at meetings open to the public. Clearly this assists efforts to be transparent and regain credibility. The buyer and bid, once property is sold off, is registered with the Land Registry and is therefore in the public domain and is not subject to commercial confidentiality.

32. It is viewed by us as improper to dispose of assets without first carrying out a Surplus Land Review. The criteria used in such a review should also include assessment of our amenities, currently mismanaged or misused, as though they were well-managed or given relevant usage. To do otherwise would positively encourage unscrupulous developers to use anti social behaviour as a weapon to gain sites that should not be sold or to cut down price paid and might also encourage corrupt practise within Council.

33. Council must get best consideration possible which it cannot if the condition to use it as a Community Health Centre is imposed. Our solicitor has advised us that a similar case went to court and the Council lost. The Council concerned was forced to increase the price. Also the leasehold must be short tenancy not 125 years. (Copy of the independent advice received by Council is available.)

34. Vandalism has been cited as the main reason for disposing of both Rydal Street and FSCG sites. When asked to supply the reports on vandalism as used by the Council to come to their decision to sell both sites, David Atkinson, Head of Property Services, suggested I source the information from the Police. When it was insisted that reports used by the Council were the relevant documents, Mr Atkinson said that the request would need to be made in writing. This was done to no effect. In his committee report to Infrastructure Overview and Scrutiny, 29th July, report ref: PS 14/04, he states in section 4.3 that FSCG "attracts a larger amount of vandalism and other antisocial behaviour compared to areas of a similar size with hypodermic needles found on a number of occasions." With what is the comparison made?

35. In section 4.4, he states "The Council keep no formal records of acts of antisocial behaviour or vandalism." Given the tragic results of interpretation / misinterpretation

by officers of other documents, e.g. petitions, it is totally inappropriate to continue to allow paid professionals to present an opinion as though it were fact. This needs remedied immediately. Also, where the Council employs Coordinators, it is reasonable to expect reports to include results of appropriate research where possible. These are omitted.

36. A Police survey conducted since 1997 (date when survey ended unknown but estimated as 2003) shows that approximately 500 incidents were reported over 19 streets in and beyond this area. These were predominantly criminal damage (which would include damage caused by playing footie on the streets). Estimating 500 incidents over 6 years, at 83 incidents in 19 streets, this averages 4.3 incidents per street per year. So there are about 4 such incidents per year. This, in an area with a shortfall of open space and poor provision of relevant facilities. (This report is to be found in the council's planning file for FSCG.)

37. In recent years, the worst vandalism by far at FSCG has been the neglect by the Culture, Sports and Leisure Services - especially making it look locked up permanently when it was not really locked, unpredictably leaving it locked on occasion and leaving the pond with the same shopping trolley and assorted debris in it for months thus demolishing pride and ownership and inviting anti social behaviour.

38. The fate that has befallen FSCG runs parallel to that of a site deliberately run down. The Culture, Sports and Leisure Service Unit has not repaired, as and when required, and so, for example, the bridge which was going rotten and was not maintained, attracted further damage. Poor maintenance and neglect are magnets to vandalism. Well maintained facilities are generally recognised to be more immune to vandalism.

39. The exception to the lack of maintenance is the pavilion which has been left derelict and disused but was continuously being repaired in a way that did not make the pavilion attractive or usable but must have jacked up the costs of the site.

40. Section 4.7 of David Atkinson's report to this committee states, "The City Council has on a number of occasions tried to develop and promote the role of neighbourhood green space to meet the different and changing needs of the local community." When? How? It is recognised that newspaper adverts do not effectively communicate. So why do they continue to be used as the sole approach? Surely it is not beyond the wit of man to use another approach - simultaneously when a newspaper ad is statutory. (Not once in 7 years as a local, has anything come to my attention though I had been interested. Also I am aware that others have offered and been ignored in the past.) Would it be too much to ask for a flyer distributed inside the Gazette newspaper which goes free of charge to all households in our area? A meaningful questionnaire devised with the participation of all potential user-groups would be good: as would a brainstorming session for all once locals feel less polarised on the issue.

41. Section 4.8 suggests, "perhaps the focus of the community shall be channelled into establishing a group to use the area as a green space as a possible outcome of the proposed development scheme if it were not to succeed." This is deeply offensive and

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devoid of logic. The definite outcomes of the proposed development scheme **without the common decency of first trying meaningful consultation** are:

41.1 Council still has no accurate idea of what various groups in the community consider to be relevant facilities because there still has not been a genuine consultation exercise.

41.2 Youth and other hard-to-reach groups are still disengaged but are further down the line in time and likely further discouraged.

42.3 Elderly, frail and people with mobility problems have been deprived of the last remaining relevant and accessible green space for nearly a year now, and likewise deprived of proportional health benefits.

42.4 Residents for and against keeping green space, continue to be against anti-social behaviour but now there is slight loss of positive, sociable behaviour between residents who have been polarised by the Council's ineptitude at consultation.

42.5 It has deepened the issue of Council's lack of credibility in the eyes of the public.

42.6 Issues with democratic process which were being addressed by members of council, have now become matters of public concern and scrutiny.

42.7 It has drawn public attention to the lack of responsibility demonstrated by Heads of Business Units for Planning Services, Property Services and Culture, Sports and Leisure Services, to the lack of ownership of issues in these units and to the consequent dangers of Work Related Stress cases that could be brought against Carlisle City Council at great cost to the citizens of Carlisle because the detrimental effects of mismanagement drop down to workers at lower levels. It has also drawn attention to the lack of vigour applied by the Executive civil servants responsible for resolving the serious problem of occasional substandard reporting by officers to council members. Clearly this thwarts Council efficiency, invites corruption and causes misadministration notably in areas of real estate.

42.8. It has stirred up considerable hostility and resentment but achieved nothing positive whilst jeopardising that which was potentially positive and could have been tapped.

43. Pro-actively, what needs done now is what needed done in the first place - meaningful consultation with all potential Fusehill Street Community Garden users, including users of Grey Street Play Area, then assimilation and implementation with periodic reassessment and modification, and of course, sufficient funding for maintenance and modification.

44. We are trusting Carlisle City Councillors to stay with their decision to conserve green spaces (May 12th) and we hope the Council will effectively carry out quality consultation to identify relevant facilities that encourage social inclusion and cohesion for the last 2 remaining usable spaces in Botchergate.

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