

East Herts Council Report

Development Management Committee

Date of meeting: 8 February 2023

Report by: Head of Planning and Building Control

Report title: Gilston Area Outline Applications
3/19/1045/OUT and
3/19/2124/OUT – public speaking
arrangements at Development
Management Committee

Ward(s) affected: Hunsdon and Much Hadham

RECOMMENDATION FOR DEVELOPMENT MANAGEMENT COMMITTEE:

(A) That the public speaking arrangements to be applied at the meeting (or parts of the meeting) of the DMC where the Gilston Area outline residential development applications (ref 3/19/1045/OUT and 3/19/2124/OUT) are considered, be as set out as detailed in this report.

1.0 Background

1.1 Land in the Gilston Area is allocated for residential development as part of the East Herts District Plan. In partnership with adjoining local authorities, the development of the land will comprise part of the delivery of the Harlow and Gilston Garden Town.

1.2 Planning applications relating to the Gilston Area were submitted to the Council in 2019. There were four planning applications and one application for listed building consent in

total. Two of the planning applications and the application for listed building consent, which related to proposals for the delivery of transport infrastructure, have now been determined by the Council. That means that the two applications awaiting determination are as follows:

- 3/19/1045/OUT, outline application in the name of Places for People for the development of 8,500 new homes and associated infrastructure;
- 3/19/2124/OUT, outline application in the name of Taylor Wimpey for the development of 1,500 new homes and associated infrastructure.

- 1.3 A Special meeting of this committee has now been organised to be held on Tuesday 28 February 2023 to consider a report in relation to the first of the above two applications. The date of the committee to determine the second of the remaining applications remains to be confirmed.
- 1.4 The committee has previously considered public speaking arrangements regarding planning applications relating to the strategic sites identified for development in the East Herts District Plan. This matter was considered at meetings of the committee of 22 May 2019 and 21 April 2021. The outcome of those considerations was a decision to allow a total time period of 6 minutes for those who wanted to speak in objection to proposals. The same period would then be permitted for those in support and for Parish Councils.
- 1.5 However, when the applications for the Gilston Area transport infrastructure were considered by the committee at its meeting of 22 February 2022, a decision was made by the committee, at the commencement of the meeting, to extend to 8 minutes the speaking time permitted for each category of speaker. This was in response to a concern raised by a third party that the 6 minute time period did not allow sufficient

time to adequately cover the issues raised by the proposals. Those revised arrangements were agreed for that meeting only and therefore the previously agreed 6 minute arrangement currently remains applicable to the consideration of the remaining Gilston Area applications, unless the committee determines otherwise.

- 1.6 Given the scale of the development proposals and the complexity of the issues raised by them, it is appropriate to give further consideration to the public speaking arrangements to be applied. A 6 minute period is likely to be insufficient to enable all points to be articulated by those wishing to speak. If unchanged, this is likely to lead to further pressure to extend speaking time and possibly late revision to the arrangements, as occurred before.
- 1.7 This report sets out proposals for further revised arrangements. They are proposed to be applied in relation to the two Gilston Area outline planning applications only, as set out above in this report. They would not be applicable to any other development proposals considered by the committee, including any reserved matters planning applications, or amendments to the outline applications, unless a further decision were made by the committee to so apply them. These arrangements, if agreed, would be applied at the committee meetings, or parts thereof, where the two referenced applications are under consideration.

2.0 Proposals

- 2.1 In the interests of fairness and equitability, speaking time, where it is permitted, should be given to those both in favour/ supportive of the development proposals and to those objecting to/ not supportive of development proposals equally. Usually those speaking in favour will comprise the applicant. Occasionally they will be joined by a third party who

also wishes to express support. It is proposed that a single timed period remain for the combined parties who wish to speak in favour. It is for those parties to determine how to best divide and utilise the time available. Proposals in relation to the length of that time are set out below.

- 2.2 Parish Council representatives (PCRs) are also permitted to speak. Usually, the time allowed for this would be the same again as permitted for those in favour/ in objection (but not combined).
- 2.3 Usually, the impact of most developments is confined to a single parish area or two parish areas at most. This has enabled PCRs to readily agree amongst themselves how to utilise the speaking time available. In this case, given its scale, the 3/19/1045/OUT application site area extends to at least part of the four parishes of Eastwick and Gilston, Hunsdon, Widford and High Wych. The majority of the site area is located in the Eastwick and Gilston and Hunsdon parishes.
- 2.4 Those two parishes, Eastwick and Gilston and Hunsdon have been actively engaging with the development proposals throughout their preparation, submission and subsequent amendment. The parishes have come together to formulate the Hunsdon, Eastwick and Gilston Neighbourhood Plan, which has been 'made' and which plans for the growth coming forward. Given the location of the proposals, their scale and complexity and the active engagement of these parishes to date, it is proposed that speaking time equivalent to that given for those in favour or objection (but not combined) should also be made available for the joint and combined use by Eastwick and Gilston and Hunsdon PCRs only. The second of the remaining applications (3/19/2124/OUT) when it comes forward, is also located within the Eastwick and Gilston and Hunsdon parishes, so the same arrangements can be applied.

- 2.5 If other PCRs request to speak, from parishes located both within the application site and beyond, it is proposed that they be offered a further, but more limited time period and would be required to agree amongst themselves how to divide and utilise that time in the normal way. If no other such requests are made, then the additional speaking time will not be required and will not be transferred to any other speaker.
- 2.6 Those in objection will often comprise residents who live near to the location of development proposals and who will be impacted by them. There may be other objecting parties and, in some instances, they are represented by professional agents.
- 2.7 As Parish Councils act on behalf of their residents, they will be raising in general terms, the issues that will be of concern to individual residents. It is understood however that some residents or third parties will have issues to raise particular to them. In this case, proximity to the site will not necessarily be a relevant consideration, that is an impact of the development may be experienced some distance from it. As a result, it is not proposed that a speaking time period would be safeguarded for residents located within or proximate to the sites, but that these parties should be offered the same single timed period as those in support and determine how they wish to divide and utilise that time.
- 2.8 Recommendations with regard to the speaking time are set out below. In making these recommendations, officers are mindful of the requirement to maintain a balance between the ability of those affected by development to raise points of importance to them to the decision makers and ensuring that appropriate progress is made through the application consideration process.

2.9 Both applications have been the subject of no less than three consultation exercises and all third parties and stakeholders have been able to make written representations. All representations, where they have been received in reasonable time prior to the publication of the report are summarised in it for members to consider. In addition, in the run up to the committee meeting, all parties are able to deliver to committee members written summaries of the issues of importance to them.

2.10 Given the numerous opportunities for submissions to be made, it is considered that the following timings for speaking are reasonable:

- those in favour, 10 minutes in total;
- those in objection, 10 minutes in total;
- Eastwick and Gilston and Hunsdon PCs, 10 minutes in total;
- all other PCRs, 5 minutes in total.

2.11 This gives the potential for a combined total speaking time of 35 minutes. Given the time for speaker change over etc, these arrangements may absorb something in the region of 45 minutes of committee time.

2.12 The committee arrangements for the day have yet to be established in detail. However, in recognition of the length of the previous committee which dealt with the transport infrastructure applications on 22 February 2022, which was in excess of 6.5 hours, a committee start time of 11am has been identified for the meeting on 28 February 2023. With appropriate lunch and other refreshment/ comfort breaks, this would still permit a meeting with sitting time of in excess of 6 hours to conclude by early evening. Within that overall timescale, it is considered that 45mins for public speaking can be accommodated without detriment to the overall

proceedings.

- 2.13 Further interaction with members and officers at committee: In considering this matter, it has been suggested by some third-party representatives that the potential for follow up questions and points by public speakers should be permitted. This would take place after the initial public speaking session and in response to either member or officer comment on the points made.
- 2.14 Such proposals are not considered to be compatible with the efficient and acceptable operation of the committee. If they were to be permitted, in order to be equitable, they would need to be offered to all parties. This has the potential to considerably lengthen the timescale of the meeting and open up the potential of point and counter point being made by the various parties present. There would be very considerable risk in such a process of subsequent challenge to decision making where any party felt their right to further respond had been curtailed.
- 2.15 As set out above, the development proposals have been the subject on a number of rounds of consultation. During those specific periods and throughout the consideration of the applications, officers have been available in the normal way to address and respond to the questions of third parties. In addition, a number of engagement sessions, briefings and forums have been arranged where dialogue of the type suggested has been possible and where it is more appropriately held. It is recommended therefore that no change be made to the current committee procedure arrangements in that, following the permitted speaking times, there should be no further interaction between third parties, officers and members at the meeting.

3.0 Risks

- 3.1 There is a risk that public speaking takes up an excessive amount of the time of the committee restricting debate and questions from members and advice from officers. The proposals set out here are considered to be an acceptable compromise between the desire of speakers to be able to articulate their points and for the committee to have adequate time overall to consider all relevant matters.
- 3.2 There also remains a risk that those seeking to speak will consider the revised arrangements still too restrictive to enable them to articulate their points. As above, a balance does have to be achieved and it is considered that the arrangements proposed here do allow sufficient time for all relevant points to be covered by speakers.
- 3.3 There is a further risk that speakers may seek similar arrangements in relation to other proposals coming forward, if they are applied here. However, it is considered that a clear differentiation can be made between the Gilston Area development proposals and other sites in terms of their scale. At 10,000 new homes in total, there are no other development proposals of comparable size identified in the District Plan.

4.0 Implications/Consultations

- 4.1 As follows:

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

Yes – the proposals relate to the time that is permitted for public speaking during the DMC meeting at which environmental and sustainability issues are likely to be raised.

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

Yes – relates to public speaking proposals

Legal

Yes – ensuring that clear and equitable proposals are in place for public speaking.

Specific Wards

Hunsdon specifically, but also other wards where parish councils may wish to speak at the committee.

5.0 Background papers, appendices and other relevant material

5.1 Previous reports to the DMC on this matter of 22 May 2019 and 21 April 2021

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