

PEBA The Planning & Environment Bar Association

Dear Colleague

NOVEMBER 2017 NEWSLETTER

1. Our last newsletter was produced in May 2017. This newsletter summarises PEBA's activities since then.

Future events

2. 30 November 2017: Mr Justice Dove has kindly agreed to speak on "The Art of Advocacy in Planning" at Cornerstone at 6 pm (please see the [PEBA website](#)), as part of the CPD programme organised by Asitha Ranatunga.
3. 5 December 2017 (moved from 9 November 2017): Planning Court Users' Group: Tim Mould QC will be attending as PEBA's representative. Please contact Tim Mould QC or other members of the committee if there are any items you want raised.
4. 23 February 2018: Planning Inspectorate evening talk at FTB followed by PEBA dinner in the Inner Temple (organised by Richard Ground QC and Be du Feu).
5. 18 May 2018: PEBA conference at Hogan Lovells (organised by Tom Cosgrove QC).

Recent events

6. Events since May 2017 include:
 - (i) June 2017: PEBA's refreshed website was launched. The website has been redesigned under the guidance of Rebecca Clutten. It includes links to PEBA's recent consultation responses and newsletters.
 - (ii) 14 July 2017: The PEBA AGM was held at Francis Taylor Building.
 - (iii) 25 September 2017: Andrew Tait QC attended a discussion at dinner with the Planning and Environment Committee of the Law Society.
 - (iv) 5 October 2017: Suzanne Ornsby QC attended the Women at the Bar Workshop on behalf of PEBA. There was consensus at the workshop on the need for training for clerking teams in best practice on equality issues.
 - (v) 9 October 2017: Megan Thomas attended a meeting in Cardiff with the Welsh Government on the Issues & Options for the proposed National Development Plan. The Plan is still at an early stage with issues and options expected to be published next summer.
 - (vi) 23 October 2017: Andrew Tait QC and Paul Brown QC met Sarah Richards, the Chief Executive of PINS to discuss current issues, further to their meeting in April 2017. We have been saddened to learn of the serious illness of Ben Linscott, the Director

of Inspectors, since our last meeting with him in April 2017. Andrew Tait QC has written to him to convey to him the best wishes of all our members.

(vii) 15 November 2017: Megan Thomas attended an event with the Planning and Environment Committee of the Law Society (in Cardiff).

7. The PEBA committee met on 5 June, 18 September and 13 November 2017.
8. At the meetings of the Bar Council, PEBA has been represented by Celina Colquhoun (who has now been elected directly to the Bar Council). Cain Ormondroyd has represented PEBA at the meetings of the Valuation Tribunal Users' Group.
9. Hashi Mohamed has implemented PEBA's Outreach Programme. This includes involvement by PEBA members in the Citizenship Foundation Bar Mock Trial Competition. The BMT is a national competition and has been running for over 25 years, each year involving state school students from years 10-13. It is aimed at demystifying the legal system, raising the profile of legal careers among state school students and providing students with an opportunity to develop public speaking, analytical thinking and self-confidence. Practitioners from the Bar are needed to act as mentors during the process. If you wish to become involved in this or a number of other outreach opportunities in which PEBA members are taking part, please contact Hashi at No 5 Chambers.
10. Following suggestions from Richard Kimblin QC, the Committee proposes to recommend to the BSB a number of changes to the Pupillage Checklist which is now out of date in several respects.
11. Discussions with PINS, referred to above, have included whether a protocol on hearings would be desirable. This was an idea that has been discussed in the past but was raised again earlier this year by Ben Linscott. Pending any development of that idea, PEBA members are reminded of the request by email (first circulated in 2012) that if instructed in a hearing they should ask their instructing client to notify the other party so that that party will not be taken by surprise. The PEBA committee considers that this advice should apply to any legal representatives, not only PEBA members. PINS has recently provided to us some new data on mode of appeal requests. 72% of requests to hold an inquiry are granted (of those that are not granted, 22% are dealt with by hearings and 6% by written representations). 52% of requests for hearings are granted (46% become written representations, 2% become inquiries). The view of the PEBA committee is that the appeal mode selection process is generally working well but that the system can be insufficiently flexible when a change of mode occurs at a late stage (examples of which, assembled by Richard Kimblin QC, have been provided to PINS).

Consultation responses

12. Please let us know if you become aware of any consultation documents to which you think PEBA could usefully respond.
13. Since May 2017 we have responded to the following consultations:

- (i) CPA's draft proposals to remove the policy requirement for acquiring authorities to take reasonable steps to acquire land by agreement.
 - (ii) CPA's draft protocol for References to the Upper Tribunal Lands Chamber.
 - (iii) QCA's consultation on integrity and character in the QC appointment process.
 - (iv) DCLG's "Planning for the right homes in the right places". We co-ordinated the formulation of our response with the Planning and Environment Committee of the Law Society.
14. Those who have contributed to the drafting of the responses include Andrew Tait QC, Paul Brown QC, Guy Roots QC, Rebecca Clutten, Megan Thomas and Tim Mould QC (who has also co-ordinated all our responses). All the responses can be found on the PEBA website.
15. We propose to respond to the current consultations on Future Bar Training (BSB) and on Planning Law in Wales (Law Commission).

Administration

16. Mr Justice Supperstone has been elected as an honorary member of the Association.
17. At the AGM, the Treasurer and Secretary were re-elected for a further one-year term and Tim Mould QC was elected as a committee member in place of Simon Bird QC who has retired from the committee. Paul Tucker QC was re-elected for a further two year term. All other members of the committee were elected for a two year term in 2016. We are indebted to Simon for his excellent work in organising the PEBA conference during his time on the committee. Suzanne Ornsby QC has since been co-opted to membership of the committee.
18. We thank CPT for their administrative support for the work of PEBA.

Professor Victor Moore

19. We are sad to pass on the news that Professor Victor Moore died on 12 November 2017. He was 88 and died peacefully at home. Many members will recall his excellent introductory book, "A Practical Approach to Planning Law", first published in 1987 and now in its 13th edition. He was also for many years the editor of the Journal of Planning Law as well as professor at Reading University and lecturer in planning and compulsory purchase law at the Inns of Court School of Law. He was appointed an honorary member of PEBA in recognition of his outstanding contribution in our field.