

# PEBA The Planning & Environment Bar Association

## PEBA

The Specialist Bar Association for Planning,  
Environment and Local Government

Dear PEBA Members,

### SUMMER 2018 NEWSLETTER

1. Our last newsletter was produced in November 2017. This newsletter summarises PEBA's activities since then.
2. Following the success of last year's High Court advocacy seminar conducted by Dove J (organised by Asitha Ranatunga), an advocacy seminar focussing on inquiries will be conducted by Martin Kingston QC on Thursday 29 November 2018 at Cornerstone Barristers, again organised by Asitha.
3. **Specific events since November 2017 include:**
  - (i) the PEBA dinner, which took place AT the Inner Temple on 23 February 2018 attended by PEBA honorary members Lord Carnwath JSC, Lord Brown, Lindblom LJ, Ouseley J, Holgate J, Judge Alice Robinson, Sir Malcolm Pill, Sir David Keene, Sir Andrew Collins, George Bartlett QC and Gerry Ryan QC as well as guests Sheila Cameron QC, Tim Smith (Law Society), Trudi Elliott, Victoria Hills (RTPI), Stuart Reid, Christine Thorby and Andrew Seaman (PINS). Richard Ground QC has been responsible for arranging the dinner in recent years and will be succeeded in this role next year by Suzanne Ornsby QC;
  - (ii) the PINS-PEBA seminar (which preceded the PEBA dinner), at which Inspectors Stuart Reid, Christine Thorby and Andrew Seaman spoke. Subsequently Andrew Tait QC, Paul Brown QC and Megan Thomas have held two meetings with senior Inspectors from PINS at which matters discussed have included comments on the PINS training manuals, the Rosewell Review and assistance with PINS training events;
  - (iii) the PEBA conference, chaired by Andrew Tait QC and organised by Tom Cosgrove QC, was held on 18 May 2018 at Hogan Lovells. It was a highly successful event with a keynote address by Lord Hodge JSC and The Frances Patterson Paper delivered by Lady Hale PSC (we hope to have their papers on the PEBA website). The speakers from PEBA were James Pereira QC, Rebecca Clutten, James Maurici QC, Sasha Blackmore, Sasha White QC, Anjoli Foster, James Findlay QC, Estelle Dehon, Celina Colquhoun, Thea Osmund-Smith, Paul Tucker QC and Sarah Reid;
  - (iv) the PEBA AGM which was held on 13 July 2018 at FTB. An amendment to the PEBA constitution was agreed with the consequence that the term of office for the Chairman and Vice-Chairman is now 3 years, instead of up to 2 terms of 2 years.

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Andrew Tait QC and Paul Brown QC, having already served one term of 2 years as Chairman and Vice-Chairman respectively, were each elected for a further 1 year in those roles. David Smith and Megan Thomas were elected as Treasurer and Secretary respectively for a term of 1 year. Suzanne Ornsby QC, Tom Cosgrove QC, Rebecca Clutten, Victoria Hutton, Hashi Mohamed and Mark Beard were each elected to the committee for a term of 2 years. They join Tim Mould QC and Paul Tucker QC who remain on the committee. During the course of 2018, Sarah Reid, Nina Pindham and James Corbet Burcher have been co-opted as committee members, joining Asitha Ranatunga (responsible for CPD) and Ian Ponter (responsible for membership) who remain as co-opted members.

4. Stephen Tromans QC, Richard Ground QC and Celina Colquhoun have now retired from the committee and Will Upton has stood down as secretary. We are hugely grateful to them all for their work on the committee.
5. PEBA is represented on the Planning Court Users' Group by Tim Mould QC. Matters discussed at the recent meeting of the Group have included the compilation of a list of core authorities (which Richard Ground QC has helped to develop) and the idea (promulgated by Richard Honey) of a PEBA pro bono scheme to assist unrepresented claimants who have obtained permission to proceed with their claim.
6. At meetings of the Bar Council, PEBA has been represented by James Corbet Burcher. Cain Ormondroyd has represented PEBA at the meetings of the Valuation Tribunal Users' Group. John Pugh-Smith has assisted in providing informal input to the Committee on ADR matters.
7. Hashi Mohamed has continued to develop and implement PEBA's Outreach Programme.
8. With the assistance of Richard Kimblin QC and James Corbet Burcher, the PEBA Committee has agreed several proposed changes to the Pupillage Checklist, which is now out of date in several respects, will recommend to the BSB that the revised version should be adopted.
9. We have worked to ensure that PEBA is GDPR compliant, thanks to the work of Rebecca Clutten and David Smith. Rebecca continues to be responsible for the production of the handbook and for overseeing our website.

**10. Since November 2017 we have responded to the following consultations:**

- (i) the CPA's revised draft protocol for References to the Upper Tribunal Lands Chamber, as well as its proposals for law reform;
- (ii) the Law Commission's proposals on Planning Law in Wales. We co-ordinated the formulation of our response with the Planning and Environment Committee of the Law Society. We have also commented at various stages on the National Planning Framework for Wales;
- (iii) MHCLG's new NPPF (with our response again co-ordinated with the Law Society) as well as Planning for the Right Homes in the Right Places;

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- (iv) the BSB's proposals for restructuring Bar Training;
  - (v) the Letwin Review's call for evidence on housing completions; and
  - (vi) on the role of the National Infrastructure Commission.
11. Please let us know if you become aware of any consultation documents to which you think PEBA could usefully respond. We are in the process of compiling our response to the consultation by the QCA on the number of case references and on the criterion of integrity. We will also be responding to the call for evidence from the Rosewell Review on the duration of the planning inquiry process (from appeal to determination). Andrew Tait QC and Paul Brown QC have already made initial contact with the Review Team and we expect to liaise further with them following the submission (prior to 18 September 2018) of our response to the call for evidence.
  12. Those who have contributed to the drafting of our consultation responses include Andrew Tait QC, Paul Brown QC, Guy Roots QC, Rebecca Clutten, Will Upton, Megan Thomas, Sarah Reid, Meyric Lewis, James Corbet Burcher and Tim Mould QC (who has also co-ordinated all our responses). The PEBA Committee as a whole has considered our draft responses over the course of several meetings during the year.
  13. We were pleased that four PEBA members were appointed as Queen's Counsel in 2018: Jeremy Phillips QC, Graeme Keen QC, Chris Young QC and Mark Watson QC.
  14. At the suggestion of Nathalie Lieven QC and Nina Pindham, CPT on behalf of PEBA is in the course of undertaking a survey of PEBA women members survey to ascertain whether there are gender related issues at the Planning Bar which should be addressed. Rebecca Clutten and Victoria Hutton have assisted Nathalie and Nina in formulating the survey questions.
  15. Megan Thomas, Victoria Hutton and James Findlay QC have contributed on PEBA's behalf to the production of the RTPI guidance on Planners as Expert Witnesses.
  16. We have been saddened by the loss in March 2018 of Gilbert J. Numerous tributes have been paid to Sir Andrew Gilbert, including at the PEBA Conference, and there were many PEBA members who were able to attend the commemoration of Andrew's remarkable life and work which was held in Manchester in April. We have also been saddened by the loss in July 2018 of Roger Lancaster, who had recently retired from practice at the Bar (at King's Chambers). Many members will remember him as a formidable, characterful and highly successful advocate both at the Bar for the past 15 years and before that as a solicitor where he had been Senior Partner of Halliwells.
  17. Lastly, we thank CPT for their administrative support for the work of PEBA.