

# P.E.B.A.

The Specialist Bar Association for Planning  
Environment and Local Government

14<sup>th</sup> September 2011

Dear Member of PEBA

## PEBA Newsletter-July 2011

1. This letter reports on the activities of PEBA during the first 6 months of 2011. Together with the newsletter sent to you in January, it forms the basis of my report to the AGM, which is to be held at Francis Taylor Building, at 6pm on 8th July. I would like to begin by thanking all the officers and members of the committee. They do a great deal for us all. Others, too, give up much of their time to help, whether by representing PEBA on committees, drafting consultation responses, or in other ways. We are grateful to them all.
2. Our focus remains the Government's proposals for change in the planning system. Early in the year we submitted a response to the Localism Bill, and proposals for the new National Planning Policy Framework. On 20th January, Morag Ellis QC chaired a joint seminar with UKELA on Localism, at which Steve Quartermain, chief planner at the Department for Communities and Local Government, was the main speaker. That was followed up by a meeting with Steve Quartermain and other DCLG officials to discuss how localism is likely to affect the development plan system. In June, Harriet Townsend represented PEBA at a DCLG meeting to review the handling of change of use within the planning system.
3. We have maintained and built on our contacts with the Planning Inspectorate and the IPC. Morag Ellis QC and I have had meetings with Sir Michael Pitt, the new Chief Executive of PINS and the IPC, in which we emphasised the crucial role barristers play in ensuring that parties' arguments are tested rigorously. Celina Colquhoun has done invaluable work in helping to train the new IPC commissioners, and we have recently been asked by PINS to assist in training new inspectors.
4. We continue to monitor the decisions made by PINS about mode of determination of planning appeals. Concerns have been raised that PINS are requiring some appeals which should be heard at inquiry to be dealt with by a hearing. We have recently asked members to let us know of any particular cases where this has happened, so that we can pursue the matter with PINS.
5. Our CPD programme has been busy as ever, and particular thanks are due to Michael Bedford, who has organised it with his usual quiet brilliance. On 6th June, we held the 4th PEBA national planning conference at the offices of Freshfields Bruckhaus Deringer. The event was, as before, a great success, and very well attended. Our keynote speaker was Mr Justice Lindblom. Steve Quartermain gave a paper on Localism, and distinguished contributions were also made by Ian Dove QC, Peter Harrison QC and a panel of external speakers, Douglas Edwards QC and Morag Ellis QC.
6. In addition to the conference and the seminar on Localism, we held a joint event with UKELA on the emerging Environmental Tribunal on 16th May. The event was chaired by Lord Justice Sullivan, and featured Lord Justice Carnwath, George Bartlett QC, Robert McCracken QC, Prof. Richard Macrory, and Rynd Smith, Director of Development Plans, Policy and Quality at PINS.

President	<b>Lord Brown of Eaton-under-Heywood</b>
Chairman	<b>Timothy Corner QC</b> , 4-5 Gray's Inn Square, London, WC1R 5AH (0207 404 5252)
Vice-Chairman	<b>Morag Ellis QC</b> , 2-3 Gray's Inn Square, London, WC1R 5JH (0207 242 4986)
Secretary	<b>Christopher Boyle</b> , Landmark Chambers, 180 Fleet St, London, EC4A 2HG (0207 430 1221)
Treasurer	<b>David Smith</b> , Landmark Chambers, 180 Fleet St, London, EC4A 2HG (0207 430 1221)

Administration **PEBA: Planning and Environment Bar Association, 4a Woodside Business Park, Whitley Wood Lane, Reading, RG2 8LW**  
Telephone 0118 987 3345 Fax 0118 987 3366 Email [peba.administrator@cptevents.co.uk](mailto:peba.administrator@cptevents.co.uk) Web <http://www.peba.info/>

# P.E.B.A.

The Specialist Bar Association for Planning  
Environment and Local Government

7. Rynd Smith will address PEBA at a seminar to be held this autumn, and when I met Sir Michael Pitt recently he kindly said that he also would be happy to speak later this year or early in 2012.
8. This year we have been consulted on the new Quality Assurance Scheme for criminal advocates. Before Easter Suzanne Ornsby, Paul Coveney (head clerk at Francis Taylor Building) and I met representatives of the Bar Standards Board to discuss how the scheme might apply to specialist advocates instructed to appear in planning and environment cases in the criminal courts. Since then a committee has been formed to examine more generally how the scheme should apply to specialist prosecutions. Suzanne represents us on that committee
9. We have, as always, continued to respond to consultations. Responses we have provided this year, as well as those already mentioned, include comments on draft changes to the rules on change of use from business to residential use and draft advice from PINS for rule 6 parties at planning appeals, and a submission to the House of Lords Constitution Committee's inquiry on the judicial appointments process.
10. Harriet Townsend represents us on the Bar Council Access to the Bar Committee, and also chairs our ADR sub-committee. This year there has been a significant growth in the number of PEBA members trained to receive instructions direct. Those who have been so trained are invited to make sure this is recorded on the PEBA website, by emailing [peba.administrator@cptevents.co.uk](mailto:peba.administrator@cptevents.co.uk). The ADR sub-committee has concentrated on supporting the Mediation in Planning Project, which seeks to encourage the use of mediation in appropriate cases. The Project, which is sponsored by PEBA and the National Planning Forum ("NPF"), has three PEBA members on its board (Harriet, John Pugh-Smith and Craig Howell-Williams QC) and five pilot local authorities have already agreed to participate. PEBA (William Upton) attends NPF meetings, to discuss these and other current issues.
11. We continue to be ably represented on the Bar Council by Melanie Mackintosh, who also organises the publication of our handbook. I believe the handbook plays an important part in publicising PEBA, its work and its members.
12. Turning to personal matters, members will have been saddened to learn of the death this Spring of Andrew Kelly QC. A moving memorial service was held for him in the Temple Church in May.
13. More happily, our annual dinner was held at the Reform Club on 11th March, with Mr Justice Lindblom as our guest of honour. That event seems a long time ago now, and I am already looking forward to the next one. Enjoy the summer!

Yours sincerely

Tim Corner, QC