

# The 37th Joint Planning Law Conference

## Foreword by Duncan Field\*

In the 12 months leading up to Friday September 18, 2009 there had been a global financial crisis on an unprecedented scale, followed by a global recession. Another weekend in Oxford provided an opportunity to seek some respite, to enjoy the company of colleagues and friends and to share the concerns of a year of uncertainty. It was also a time to look ahead to future opportunities: the Joint Planning Law Conference is a forward-looking event, with a focus on how law and practice will (or should) change. The title chosen for this year, *The Show Must Go On*, acknowledged the difficult economic climate but also reflected the huge challenges facing the planning system—such as climate change, energy and housing—and the need for policies to be put into place, objectives to be achieved and decisions to be taken . . . and fast.

What better way to start proceedings than to consider the consequences for the planning system of a possible change in Government at the General Election in 2010. Our guest speaker at dinner on Friday evening was the shadow Local Government Minister, Bob Neill MP. It is fair to say that the majority of delegates would have begun the evening unconvinced that the removal of regional planning and centrally-imposed targets in favour of “localism” would deliver results. However, with several years of local government experience himself, Bob Neill spoke convincingly about how these reforms might work in practice. Certainly, it would seem that planning will play a central role in the delivery of some key Conservative Party policies, should they be elected.

A defence of regional planning was provided by the Chief Planner, Steve Quartermain, in the first paper on Saturday morning *Regional Spatial Planning—Don’t Stop Me Now*. He gave delegates a comprehensive guide to the new single regional strategies, placing them in an historical context and drawing out a very simple philosophy behind them: good practice and delivery of tangible results.

Another area of Conservative Party reform was the subject of the second paper, delivered by Robert McCracken Q.C., *Infrastructure Planning Commission: Challenge or Opportunity?* Robert provided an in-depth analysis of how the Infrastructure Planning Commission (IPC) would need to operate in practice; he did so with tremendous insight, drawing on his unparalleled experience in leading cases concerning public participation in the planning process, including environmental impact assessment. Some of the key figures from the IPC were among the audience including the Chair, the two Deputy Chairs, one of the Commissioners, the interim Chief Executive and the Deputy Director of Legal at CLG. They would have heard Robert emphasise the importance of fostering the right decision-making culture within the IPC; indeed he felt this, above all, would be key to the IPC’s success.

Andy Grossman’s paper *Mediation in Planning: from Talking the Talk to Walking the Walk* highlighted the number of false dawns mediation has had in the planning system and there is no doubt that its role in this context is met with a significant amount of cynicism on the part of planning professionals. Andy Grossman of CEDR, himself a commercial mediator, took delegates through the process of mediation and its various uses, leaving them with a far greater understanding of the subject and a

\* SJ Berwin LLP

clearer picture of the role that mediation could play: less about “doing a deal” and more about narrowing issues, understanding positions, and establishing common ground.

In our final paper on Saturday Morag Ellis Q.C., in her *Legal Update*, provided delegates with an excellent round-up of developments in planning law over the past year. She made her paper accessible to lawyers and non-lawyers alike and drew out themes relating to public participation and consultation which linked effortlessly with Robert McCracken’s and Andy Grossman’s papers.

No report of this Conference would be complete without mention of the outstanding after dinner speech and question and answer session which we were all privileged to hear on Saturday evening. Ken Livingstone entertained us with a mixture of anecdotes and insight into London government and the role of planning in the capital. He ended his speech with a stark message about the challenge we face in mitigating and adapting to climate change; in doing so he provided the perfect introduction for the first paper on Sunday morning, *Energy Planning in 2009—All Systems Go?* which was given by Patrick Robinson of Burges Salmon.

With the authority of someone who knows the subject inside out and has hands-on experience of major energy projects, Patrick set out the key challenges that promoters face in delivering new energy infrastructure under the current planning system. He guided delegates through the issues which practitioners must grapple with, explaining how those issues can be overcome and how they might evolve with the introduction of the IPC and National Policy Statements.

Our final paper, *Making the Right Decision—Current Issues for LPAs*, was delivered by Bob Pritchard of Pinsent Masons, who ensured a strong finish to the Conference. Bob provided a timely reminder of the difficulties faced by individuals and institutions when combining political leadership and statutory duties and functions. As well as drawing on the lessons that had been learned by a number of local authorities, he took a positive and practical approach to overcoming those difficulties, emphasising the importance of training and a culture of openness and sharing of information.

I am very fortunate to have chaired a conference where the quality of the speakers will ensure that it is remembered for years to come and, on behalf of the Organising Committee, I would like to thank them all for their considerable commitment.

Our thanks also go to everyone at New College and the Oxford Union, who once again looked after us so well throughout the weekend, and to Quadrilect for their impeccable organisation of the Conference and attention to detail.

Two people deserve special mention: I am not sure where the Conference or the Organising Committee would be without the constant support and enthusiasm of Lucinda Howe of Quadrilect and Steve Durno of the Law Society. I am personally very grateful to them both and to my fellow Committee members for helping to make my chairmanship of the 37th Joint Planning Law Conference both a privilege and one of the most rewarding experiences of my career.