

# Foreword

## Mary Cook

It is both a privilege and a responsibility to chair the 43rd Oxford Joint Planning Law Conference. This year it fell to me on behalf of the Bar. I am happy to report another successful conference with delegates filling the hall at New College for dinners by night, the new bar area for post-dinner drinks and the Oxford Union for the presentation of papers. As the first lady to represent the Bar I particularly welcomed the contributions this year made by many talented and successful women.

We returned to New College where the new kitchen stepped up serving excellent food with a particular emphasis on locally sourced produce. The curry lunch provided on Saturday in the Union by a local restaurant, Chutneys Indian Brasserie, was a great success. We thank the Union for allowing us to try such an arrangement. But the conference is not simply about great food, important though that is. Nor, the wonderful surroundings. I am proud to say the quality and mix of our speakers and their presentations was excellent. Delegates were treated yet again to a jam packed “going home bag” stuffed with first class papers and, from Sweet & Maxwell, other useful information on their publications.

This year’s theme “Just Planning?”, designed to highlight the ever increasing complexities in planning, was skillfully interpreted by our many speakers. We got off to a great start with Liz Peace’s after-dinner speech which was a clever take on “desert island discs”, as she took us through eight documents encountered in her career, starting with Circular 7/77. Inevitably the National Planning Policy Framework made an appearance.

On Saturday, the Honourable Mr Justice Lindblom, Lead Judge of the Planning Court and President of the Lands Chamber Upper Tribunal, at least until he takes up his recent appointment as a Lord Justice of Appeal, kicked off proceedings. He explained the contribution the Planning Court makes to ensuring that all parties receive a “just” hearing. He offered tips to help those who use the Planning Court.

Next we heard from Dame Kate Barker DBE on the vexed question of how many homes we should plan for. She explained the distinction between need and demand, suggesting that too much emphasis was placed on the former. She explained the history behind population and household projections and put in a plea for shorter SHMAs. Her paper explores the use of these projections and how they have fed into plans, taking those in Hertfordshire by way of example. A recurring underlying theme of the conference was whether the duty to co-operate is working. Kate’s paper touches upon this and draws attention to the pressure on planning inspectors to make it work.

Just when delegates were left wondering how best to deliver new housing, along came David Rudlin, from Urbanism Environmental Design, winner of the Wolfson Economics Prize, with an answer. He explained why he concludes the planning system is dysfunctional. Just at a time when Government has announced a new panel of experts to report on ways of improving the Local Planning system, David appears with a super presentation entitled “Grow your own Garden City”. Taking Oxford as an example he explores how both brownfield and greenfield development might be planned to come forward. At the nub of the issue of the value of land he suggests is the differential between land with and without planning permission for housing. He explores the issue of the Green Belt, explaining why, in his view, many small towns could accommodate their own growth most sustainably if they did it in their immediate green belts.

This year we repeated another successful format with two presentations by a pair of speakers. “From Concept to Construction” by Clare Fielding, Partner at Wragge Lawrence Graham & Co LLP and Mike Kiely, from Planning Officers Society offered different perspectives on a very common issue, amending development proposals. Sections 73 and 96A are explored. Mike explores the use of parameter or

masterplan-backed outlines as well as hybrid applications, mixes of uses and the description of development. In keeping with the traditions of the conference, their paper concludes with suggested changes in legislation to maintain a flexible system along with a right of appeal.

On Saturday evening we were all hugely entertained by the after-dinner speech of Ben Page, Chief Executive of Ipsos Mori, who fired off many amusing statistics and stories on a variety of topics as diverse as the Green Belt and the new leader of the Labour Party.

Sunday morning started with “Heritage Assets and their Setting: Views from a Lawyer and a Practitioner”. Nigel Hewitson, BrookStreet des Roches, was the lawyer, both witty and informative. He explored the case law and offered a form of words to be included in an officer report. Next, the practitioner Dr Nigel Barker, Historic England, who explained the concept of setting using many well-known examples. He also offered guidance, and Historic England’s perspective, on the meaning of “substantial” and “less than substantial harm” used in the National Planning Policy Framework.

As ever, our final speaker delivered the Legal Update which is always eagerly anticipated. This year, in a tour de force, Saira Kabir Shiekh QC, who has been in many of the cases, presented the Legal Update. Her paper is one that all of you will find useful and I suspect many of you will come back to again and again. She was forthright in her view that the duty to co-operate is not working, which she ably demonstrated by reference to the trials and tribulations of Luton and Mid-Bedfordshire.

This year all our speakers presenting papers also took part in short audio podcasts which I hope will give those who have not yet attended the conference a little insight into what our conference holds in store. They also serve as a useful reminder of the presentations and the papers which I know you will all find stimulating. I commend them.

The organising committee is very grateful to our speakers for all their hard work and effort in helping us to stage another very successful conference. I, in turn, would like to thank Lucinda Howe from Quadrilect and Lori Frecker from the Law Society. They are indeed the backbone of the conference and no Chairperson could do without them.