

## Foreword

### Michael Humphries Q.C.

The title of this year's conference, "Still Sexy at Sixty?", refers to the 60<sup>th</sup> anniversary of the passing of the Town and Country Planning Act 1947; the Act generally regarded as the foundation stone of the modern town planning system in the UK.

This year's conference was not, however, a "planning retrospective". Its papers addressed current issues facing planning practitioners and, indeed, sought to be forward looking. Where appropriate, however, speakers were encouraged to "glance" back to see whether there were lessons to be derived from the principles underlying the 1947 Act. With that in mind, and by way of context, a little research into the circumstances surrounding the passing of the 1947 Act reveals some interesting results.

It might be tempting, with our perspective based in the year 2007, to imagine that the passage through Parliament of the 1947 Town and Country Planning Bill must have been a wholly uncontroversial event. Nothing could be further from the truth.

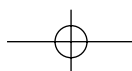
The Bill was introduced to Parliament in early January 1947 and broadly followed the recommendations of the Uthwatt Committee (1942). *The Times* newspaper of January 8, 1947 explained that "The general effect of the Bill is to put town and country planning on a firmer and more positive footing than it has yet possessed"; a theme that echoes rather more recent legislation, it might be thought. *The Times* went on to note, however, that "If the Bill becomes law, no development, that is change in the existing use of land, will in future take place without permission. In effect, from the passage of the Bill, all landowners will lose the development value of their properties, retaining only the 'existing use value'".

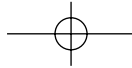
The Act recognised that it was, in effect, "nationalising" the potential development value of vast areas of land and, to this end, set up a fund of £300 million at 1947 values to compensate land owners. The problem was that the 1940 Barlow Commission had already estimated the development value of undeveloped land in England and Wales at some £400 million. The scene was set for controversy, both within Parliament and outside it.

The Labour Government, under Clement Attlee, proposed to take the second reading of the Bill at the end of January 1947. *The Times* (January 24, 1947) records the position of the leader of the opposition as follows: "Mr Churchill protested that it was early days to take the second reading of the Town and Country Planning Bill (Opposition cheers). It was only circulated during the recess, and raised a great many far reaching and difficult questions, stretching into the Radicalism of the past (laughter) and forward into the jungles of the future (laughter)". The opposition sought to delay the second reading, but their motion was defeated.

The debate on the second reading was opened by Lewis Silkin M.P., the Minister of Planning. He spoke for some two hours with what *The Times* reported as "mild-mannered composure". He argued that even without the damage and dislocation of the war a solution to the problem of town and country planning would have been "essential", but *with* that damage it was "desperately urgent".

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The opposition were having none of it, however, and continued to argue that neither Parliament nor the public had been given sufficient time to consider the Bill. Mr W.S. Morrison M.P. (Cirencester and Tewksbury Council) said that “The Government should not be surprised if this attempt to stifle adequate discussion did not give rise to sincerely felt widespread resentment” and in the same debate Mr (later Sir) David Gammans M.P. (Hornsey Council) described the Bill as “untimely, unfair, and unworkable, and its results unpredictable”.

When the Bill went to Standing Committee, the Government imposed a strict time-table—the first time a guillotine motion had ever been applied to the Committee stage of a Bill. At the Report stage in May 1947, three days were allotted to consider some 400 tabled amendments, which alone took up 75 pages of the order paper. The sittings, apparently, went on until midnight.

The debate on the Town and Country Planning Bill did not just rage in Parliament, however. In February 1947 Mr Lewis Silkin (the Minister) warned the RICS that “they had to make their minds up whether there should be planning or not”. The Association of London Property Owners said that the Bill would be the Government’s “biggest blunder yet and a disaster for the country”. Meanwhile, the Chairman of the Abbey National Building Society, Sir Harold Bellman, told the society’s AGM that the Bill was “a cross between the fruits of experience and a leap in the dark”; a somewhat Delphic comment to say the least.

The Bill was, of course, eventually passed and received Royal Assent on August 6, 1947. From that moment town and country planning in this country changed fundamentally and the foundation was laid for the system that has survived, but which continues to evolve, until the present day.

That was the setting for the 2007 Joint Planning Law Conference—a conference which produced the outstanding papers reproduced for the reader in this slim volume. On behalf of the organising committee I commend them to you and look forward to seeing you at future conferences.

