

Future Newsletters

Hoping that you found this edition of R&B useful and informative, 2 further editions will be published this year to go out in September and December. The articles you have read have been submitted by Members of the Branch. If you have information, views, reports, news etc which you feel will be of interest to other members then please forward items to Paula Nolan at branch office by 2nd September and 2nd December respectively for inclusion in the newsletter. Again the success of the newsletter relies on you producing the necessary copy. There must be things going on in your area that merit being communicated amongst a wider audience.

All enquiries to yorkshire@rtpi.org.uk

Useful links...

This edition and past copies of Root & Branch can be found on the Yorkshire Branch website at:

<http://yorkshire.rtpi.org.uk/newsletters/>

Keep up to date with the conference programme and evening seminars at:

<http://yorkshire.rtpi.org.uk/diary/>

Contacts

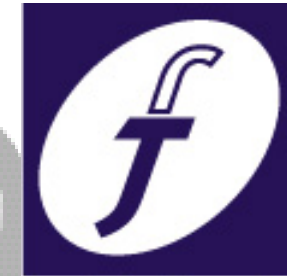
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Judd Farris
property recruitment

Summer 2005

Royal Town Planning Institute
Yorkshire Branch Newsletter

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PRESIDENTIAL VISIT TO YORKSHIRE

The Yorkshire Branch hosted the first Presidential regional visit of 2005 at the beginning of March. As usual a varied programme of activities was programmed and although not running entirely as originally envisaged proved to be a success. The visit was arranged to coincide with the 4x4 series of interdisciplinary seminar sessions organised by RIBA Yorkshire. This included the charismatic Masterclass and lecture given by Klas Tham, Professor at the University of Lund, Sweden.

Klas has had a distinguished career working with Ralph Erskine and Arken. He was Master planner for the highly acclaimed Vastra Hamnen (Western Harbour) area of Malmo. Vastra Hamnen is the creation of the new quarter in the old docks and ship building area of Malmo. The European building exhibition, Bo01, delivered an initial scheme of over 12 urban blocks with landscape and arts exhibitions. Bo01 brought together many leading designers including Santiago Calatrava, Ralph Erskine, Adriaan Geuze and Martha Schwarz. Vastra Hamnen shows how identity, variety, quality and sustainability can all be achieved in a "new district for living, work and study".

This centred around the issue of 'Making Place' with Klas drawing on his work in Malmo, Sweden to provoke thoughts and reflection amongst his captivated audience. Klas's experiences were balanced against the success and experiences of Doncaster, Scarborough, Wakefield and Bedale. This resulted in five key issues being debated:

- creation of new places
- sustainable communities
- public engagement
- transport policy
- inter professional collaborative

and although there were no conclusions drawn, there was plenty of food for thought.

The following morning there was a whistle-stop tour through part of the snow-capped Colne Valley seeing the successful balancing of conservation, heritage and regeneration in Kirklees preceded a lunch-time question and answer session with staff and other interested planners. This put the President on the spot as although he received presentations on the approach being followed by Kirklees to improving DC performance, developing on LDF and delivery Urban Renaissance, none of the questions or issues were released in advance.

Later on the Thursday afternoon, our President Ron Tate, met a cross-section of planners working in a range of private sector practices in Leeds. This provided a balance to the earlier public sector led debate and highlighted the professional aspirations of all concerned but also brought attention to some of the private/public sector splits that exist. The President was grateful for the opportunity to have a range of issues raised and the opportunity to meet a cross-section of the profession and offered his thanks to all those involved.

Andy Gutherson
Branch Chairman

Time for success?

If you are a candidate looking for a new challenge or a client with a specific requirement, then please contact:
Vicky Tipper or Georgina Jones on 0161 834 8666 or email vicky.tipper@juddfarris.co.uk, georgina.jones@juddfarris.co.uk

Judd Farris
property recruitment

---> for all our latest vacancies log onto: www.juddfarris.com

The Need to be 'Reasonable' in exercising Planning Judgement

Mick McLoughlin reports from this year's Development Control Conference in York.

Another year and another excellent roundup of topical issues and important new case law affecting development control practice by legal experts from Wilbrahams and Birmingham-based No5 Chambers. Speakers shared their insights on a variety of subjects, with over 150 planners from the Yorkshire and Humber region and beyond, ably chaired over by Dick Mordey whom Branch members will recall was for many years the Head of the Leeds Planning School.

For me, the most rewarding part of the day was the morning session where the discussion was wide-ranging and covered: the use of conditions; application of policy in development control; new case law on reasons; mezzanine floors; changes to the Use Classes Order; PPS 6 and emerging law on consultation.

Barrister Satnam Choong's talk reminded everyone of the basic rules on using conditions in planning control. It was his view that all too often the 6 tests are forgotten



Satnam Choongh

especially in relation to the removal of PD rights – in his view Planning Officers frequently fail to ask themselves why such removal is necessary and can act unreasonably. Apart from a review of the *Henry Boot* case, which serves as a warning against the informal variation of conditions, Satnam also outlined several other new cases of genuine interest to practitioners including *Pedham*. In this 2004 case, Sevenoaks District Council unsuccessfully attempted to challenge

a judgement involving a developer they considered had breached a condition regarding the construction of building on a golf course.

Unfortunately for them, all that the developer had been obliged to do was submit details for approval prior to development – he had not been required to actually complete the building in accordance with the approved details!

Chris Young, also a Barrister from No5 Chambers, covered a number of interesting policy application cases including one involving *Wycombe District Council and Bellway Homes* (2005). In the latter, the LPA had been successful in challenging an Inspector's decision regarding the provision of amenity space in a housing development because the Inspector had wrongly regarded guidance in a Local Plan Appendix as SPG when it was in fact policy.

Another salutary case highlighted by Chris is *Chisnell* (2005). This involved the judicial review of a house extension by aggrieved neighbours – approved by the LPA on its third submission with certain amendments. The Court held that the LPA had been wrongly advised by their Planning Officers that they were bound by the terms of previous refusals and that they would be unable to sustain a refusal for slightly different planning reasons. The Court also criticised the LPA for not giving reasons for the grant of permission as required by the GDPO.

Tim Willis, an Associate, examined recent developments in the retailing arena. Although internal mezzanine floors are set to be brought into the scope of mainstream planning control soon following consultation on this matter, it was still interesting to hear the latest case law decision on this topic – *Northampton* (2005) Here, the owners of a retail park appealed both a CLEUD and enforcement notice against a mezzanine floor and the Inspector agreed with their argument that a condition on the original outline permission restricting total floor space could not be used to control the insertion of a mezzanine floor. However, the LPA successfully challenged this decision. The Court held that the original condition was

clear and capable of only one interpretation. Another of Tim's retail cases – the *Co-op Group versus Rushcliffe Borough Council & Six Continents Retail Ltd & M&S* (2004) – also illustrated the importance of interpretation. In this case, the claimants had sought to argue that a particular Local Plan shopping policy defined the town centre for the purposes of PPG6 and that as a result an approved scheme was edge of centre not in centre. However, the Court held that the Co-op's interpretation of the policy was not the only reasonable interpretation.

In most cases, a purposive rather than literal approach will be adopted by the Courts and meanings and terms will not be construed too narrowly or strictly – a benevolent spirit will prevail. Finally, in relation to policy, interpretation must be consistent – LPAs must not live in the planning world of 'Humpty Dumpty' making a particular policy mean whatever the decision maker decides it should mean on different occasions.

Where interpretation of policy, permissions and conditions are concerned key themes and pointers from the morning's presentations were:

- Is the meaning propounded by a claimant or decision maker one which the words are capable of bearing in law?
- Is the meaning propounded tenuous or highly probable?
- Is there an alternative reasonable interpretation?
- What meaning would a reasonable reader apply?

What is the underlying purpose or objective of a policy or condition etc?

The afternoon session explored legal issues surrounding the re-use of brownfield land and the new PPS 23 on Planning and Pollution Control with contributions from Kate Butterfield and John Moritz respectively.

Mick McLoughlin
Yorkshire Branch Executive Member

MOVERS & SHAKERS

Move from York

I have had a radical change in direction since originally leaving Barnsley as Group Leader Minerals, Waste and Public Rights of Way in January 2002 to join the Planning Inspectorate. This moved followed 13 years in Planning at Barnsley. Despite a career plan of becoming a long (in the tooth) established Planning Inspector, I was encouraged to apply for the DC Mangers Post in Barnsley and was appointed in July 2002.

In order to obtain a more detailed knowledge of conservation issues and the protection of the historic environment I joined City of York Council in November 2004 as Head of Development Control. My role at York was primarily to drive performance improvement. York was a "standards" authority when I joined and now no longer is for the "others" category and should shortly no longer be so for the "minor" category.

After a brief, but very rewarding, spell at York I joined Mansfield District Council in June 2005 as Head of Planning and Regulatory Services. This role includes Community Safety, Environmental Health and Licensing. As well as sustaining DC performance a key role at Mansfield is to secure the adoption of the LDF and to ensure that the theme of Community Safety runs through all aspects of the Council's Strategic and Operational Service Delivery.

Steven Normington
Head of Planning and Regulatory Services
Mansfield District Council

Dear Friends and colleagues

I have taken the decision to leave the Partnership Unit and North Yorkshire County Council and become a freelance consultant from July 31st 2005.

I have also decided to take the time to develop a Rural Social Enterprise Development Agency [SEDA-Rural] in the coming months as an independent social enterprise which offers help in all aspects to develop rural social enterprises from idea to delivery.

I would like to take this opportunity to say "Thank You " to all of you and also say that I am looking forward to working with some of you in the very near future in my new independent role.

I would be delighted to be considered for any work which requires an external consultant in my area of specialism including funding applications and business planning

Lesley Kirton
CED Co-ordinator
lesleykirton@yahoo.co.uk

Environment Agency

The new team leader for Planning at Leeds Environment Agency is **Martin Slater**. He will be the RTPI contact for the area team from now on. Martin can be contacted via our National Customer Contact Centre on **Tel. No. 08708 506506**.

Duncan Hartley

With effect from 19 July 2005 I will be leaving Craven District Council to join Calderdale Council. Can you please forward all future e-mails to Matthew Collins and Sian Watson.

Many thanks
Duncan Hartley
Director of Environmental and Planning Services
Craven District Council

Help us to Help You!

Have you ever had a planning query that could not be answered or wanted to know how other planners approached a development issue that was resolved? Within the Yorkshire & Humberside region there are 1400 possible answers!

YOU!

The Yorkshire Branch Executive is committed to improve our communication links with members within the region, but we need your assistance. Our aim is to establish a database with every members' email address so that we can create a quick and clear line of communication between us.

Please forward your email address to:
yorkshire@rtpi.org.uk

YORKSHIRE CONFERENCE SERIES **2005 PROGRAMME**

Please note that the Sustainable Communities event to be held in Leeds has been moved from 27th April to 14th December

Wednesday, 14th September, LEEDS
THE ART OF MAKING ATTRACTIVE STREETS
Quality street environments, shared space, pedestrian priority and connectivity (taking place during Urban Design Week).

Thursday, 15th September, YORK
RENEWABLE ENERGY BEST PRACTICE
A Joint RPS and RPTI Afternoon Seminar.

Wednesday, 26th October, SHEFFIELD
IMPROVING PUBLIC ENGAGEMENT IN PLANNING
Consideration of the best ways of achieving effective public engagement.

Thursday, 17th November, LEEDS
PLANNING LAW UPDATE – IN ASSOCIATION WITH HAMMONDS
Topical issues from the planning law casebook.

Wednesday, 14th December, LEEDS
SUSTAINABLE COMMUNITIES
Examines what constitutes sustainable communities and how to achieve them via planning.

All enquiries to yorkshire@rtpi.org.uk

Strategic Environmental Assessment **and Sustainability Appraisals** **Conference** **Sheffield, 9th March 2005**

Like many emerging or changing policy areas, many planners have a sense of knowing they should be doing something but are not entirely sure what it is. The purpose of this event was to provide an overview of what the new Strategic Environmental Assessment (SEA) & Sustainability Appraisal regulations mean for practitioners; to reflect and share on experiences from a range of plan making scales and professional sectors and, also, to offer some lessons as to how the process can be more effective and help to make significant difference in achieving environmental benefits.

One of the leading academics in the field, Professor Chris Wood from the Institute of Environmental Assessment, University of Manchester, offered a synopsis of on-going evaluative research of the SEA systems, processes and, perhaps most significantly, outcomes in the UK and internationally. He suggested that the UK regulations differ little from the European Directive's "unmistakable pedigree".

However, some differences are apparent as the UK process has evolved out of its own policy experience in the 1990s. This means, for example, using environmental objectives rather than simply baseline information as the starting point. Additionally,

the move towards sustainability appraisals as a more comprehensive approach encompassing social and economic aspects as well as environmental. In conclusion the message was positive that, despite the obvious complexities in the process, assessing the environmental effects of policy was now being fully integrated into plan making.

Sean Nicholson of Halcrow supplemented the general overview with a 'nuts and bolts' explanation of what is driving the agenda, what it covers, what is required and how it can be done. His detailed and comprehensive guidance included how to scope assess options and record (and report) effects. His key messages included: not seeing this as just another hoop to jump through; start early and plan the process properly; make it an on-going and iterative process; and make sure to include social and economic considerations. In speculating about future policy direction, Sean suggested that a range of assessments (cultural, health, equality, etc) may end up in a single integrated assessment of policy.

The first of the public sector planners to share his experience of the process was Rob Murfin, Planning Policy Manager at the Yorkshire and Humber Assembly. Examples from the Regional Spatial and Strategy and minerals and waste plans raised some fundamental issues about assumptions, ethics and politics, as well as more practical issues like timing, responsibilities and contracting out. His suggestion of not over emphasising the representativeness of environmental NGOs triggered some lively questions from the audience. Overall, his lessons were positive, especially about the potential for a more comprehensive, interactive and problem solving approach to plan-making than had preciously existed. However, he warned against getting down into the site specific and using SEA as a tool to convince the public of the merits of policy.

A 'friend in the north', Colin Percy of Newcastle City Council, took the discussion from the regional down to the local level. In the north east, an Integrated Regional Framework has been used to place sustainable development at the heart of the plan making process in the region. However, already tensions are evident with the Regional Spatial Strategy, not least, over the rate of future development and the environmental consequences in terms of water and energy use and waste generation. Moreover, the jury is still out on what the Northern Way may mean (or even is). At the local level, the Newcastle SEA pilot, an ODPM funding project in 2003 (and not to be confused with maritime guides on the Tyne), illustrated the difficulty of generating options. The next stage is to integrate these lessons and the regional framework into the core strategy of the emerging local development framework. Meanwhile other policy initiatives, such as the Housing Market Renewal Pathfinder, plough on with area action plans.

Last, but certainly not least, a welcome addition to the programme were Lucia Susani and Chris Swain of the Environment Agency (EA). Lucia highlighted the role of the EA as both an external consultee and information provider as well as plan and strategy author. Most usefully, a handy list of 'do's and don'ts' was provided for the delegates on a single sheet. The key messages very much mirrored the previous speakers, especially over integrating the process and making it iterative. Perhaps most encouraging is that, regardless of the complexity and difficulties, the environment is much more central in the plan making process and there is a greater awareness of the complex interactions with economic and social issues. This event hopefully contributed towards taking this further forward.

Dr. Darren Bell
Senior Lecturer
Sheffield Hallam University



Yorkshire Planning **Aid Update** **Alyson Linnegar Caseworker and** **Community Planner Reports on her** **current work**



Alyson at a regional conference organized by Environmental Assistance at which she gave a presentation on parish plans

I have now been in post for over a year and as many of you will be aware, I combine the two part-time posts of Caseworker on 3 days a week and Community Planner on 2 days a week.

The Planning Advice Helpline operates on Tuesdays, Wednesdays, and Fridays between the hours of 9 am to 4 pm and I am usually available at these times to deal with enquiries from people needing planning advice. The enquires that come in are very varied; they can range from a householder wishing to make an objection to an extension to their neighbours property, to an individual wishing to establish a forestry enterprise in a National Park.

Eligibility criteria for all Planning Aid services were reviewed at a national level earlier in the year, and the service remains aimed at those individuals and groups who cannot afford professional help. Volunteers are essential to the success of the Planning Aid service and it is part of my role to

recruit and support the volunteer network. Over the past year we have recruited 16 new volunteers bringing our total number to 42. We held our second volunteer induction session in March where our new volunteers had the opportunity to find out more about volunteering opportunities and to meet the staff team. We have held 3 successful volunteer training sessions led by Bob Pritchard, a Senior Associate with Eversheds, on various aspects of planning law and we hope to continue these in the autumn. We have also offered places on training courses run by Voluntary Action Leeds and the Environmental Trainers Network on topics such as community consultation and presentation skills which are particularly valuable to volunteers involved in our community planning work.

I am continuing the recruitment process by visiting local authority planning departments around the region. In recent weeks I have visited Hull, Hambleton and Selby with several more in the pipeline. We are looking for volunteers who are looking to widen their experience in the planning field. To deal with planning casework you need to be a corporate member of the RTPI. However, there are many other opportunities available to support the work of Planning Aid, particularly in our community planning work, so if you have an interest in planning, whatever your background, we would like to hear from you.

On the community planning side I am pursuing 2 community planning projects in Grimsby, North East Lincolnshire where major developments are proposed on the edge of the town. In Hatfield, near Doncaster I will shortly be working with the Town Council in consulting the community on the future use of a large area of disused open space in the town. It is hoped that the results of this exercise can be fed into the Council's Local Development Framework and Green Space Strategy. Mike Dando and I have completed our "Planning Crash Course" pack which we have delivered to Doncaster Parish Councils and a Community Forum in Sheffield. The pack includes an overview and background to the planning system and sections on development plans, development control and conservation and environment. The course takes around 4 hours to deliver and copies of the pack and accompanying PowerPoint presentation are available to all those attending.

Anyone requiring further information about the Planning Advice Helpline, becoming a Planning Aid volunteer or about any of the Community Planning Projects or Training Events mentioned above or ideas for new ones, please give me a call on 01427 754981

RTPI ACCREDITED COMBINED MASTERS PROGRAMMES IN AUTUMN 2005



The Assessment of Professional Competence (APC)

The Royal Town Planning Institute (RTPI) is introducing a new route to corporate membership in the form of the Assessment of Professional Competence (APC). The APC is designed to raise standards of practice across the profession by shifting the focus from work inputs to learning outcomes. By setting clearly defined targets for skills and competencies the APC will develop well-rounded practitioners with a bank of transferable skills as well as technical planning knowledge. This can be achieved with an increased level of support from the RTPI from the earliest stage in a practitioner's career. The APC supports practitioners in developing their reflective skills, encouraging young professionals to drive their own careers and instilling from the outset a habit of lifelong learning and professional development.

Students graduating from RTPI accredited one year combined Masters programmes in autumn 2005 will be the first cohort to undertake the APC as their route to Chartered status and corporate membership of the RTPI. Students who graduate from all RTPI accredited courses from the summer of 2006 onwards will undertake the APC.

Applying for the Scheme: becoming a Licentiate of the RTPI

Graduates will undertake the practical experience requirement of the APC as a Licentiate of the RTPI. Graduates should apply for Licentiate status following completion of their accredited course, and once they have secured eligible planning employment. Applications forms will be issued to Planning Schools and be available from the RTPI in due course.

What does the APC entail?

The route to the APC comprises five key components:

- **A minimum requirement for professional experience** – two years in relevant planning practice;
- **A log book** – a written record of work undertaken, skills developed and learning outcomes, kept over the period of experiential learning;
- **A mentor** – paired with each Licentiate to offer support and guidance, the Licentiate will meet with the mentor over the course of the period of experiential learning;
- **A Professional Development Plan (PDP)** – composed at the start of the period of Licentiate status and updated regularly, in consultation with the mentor. The PDP should form the basis of meetings with the mentor.
- **A written submission** – written document reflecting on the Licentiate's experience and skills, submitted to the RTPI for assessment by RTPI nominated assessors.

Minimum requirement for professional experience

The APC will require as a minimum two years of professional planning experience, of which one year must be gained following completion of an RTPI accredited planning qualification. Experience gained prior to the qualification, during a sandwich year or part-time course, may therefore count towards up to 50% of the APC, assuming it is gained at a suitable level. Experience gained alongside a full time course is unlikely to be eligible, unless it can be demonstrated that it was gained at a suitable level. Experience gained alongside one year 180 credit accelerated masters courses is not eligible towards the APC, as this period has been designated for intensive study.

The log book

Licentiates will be required to keep a record of the work undertaken during the two years, reflecting on the skills, competencies and knowledge developed during this time. This will be in the form of a log book; guidance will be issued on a suitable format, and on the types of skills, competencies and knowledge to be developed.

The mentor

Licentiates should be paired with a mentor during the period of practical experience. This individual should be a Chartered Planner (MRTP), and may be a colleague or someone known personally to the Licentiate.

As mentoring relationships are most constructive where both parties are comfortable, the onus is on the Licentiate to identify a suitable individual. Students who will become Licentiates may therefore wish to start the process of identifying an APC mentor. The Licentiate's employer may be able to recommend someone within the same workplace. In the event that it is impossible to identify a suitable individual, recourse may be made to RTPI to be paired with a mentor.

The Professional Development Plan (PDP)

Licentiates will be required to hold an up-to-date PDP, which may be composed in consultation with the mentor, and should form the basis for all meetings with the mentor. The PDP should also be a useful tool during a Licentiate's work appraisal process. Guidance will be offered on the preparation of this plan.

The written submission

The period of practical experience will culminate in a written report submitted to the RTPI by RTPI nominated assessors. A successful report will result in election to corporate membership of the RTPI. Guidance will be issued on the composition of this report, and the criteria for a successful application.

Detailed guidance on all elements of the APC will be available in the near future, and will be sent to all University Planning Departments for dissemination to the student body. The RTPI will also circulate this information to employers and other stakeholders. Requests to receive this information once it becomes available should be sent to apc@rtpi.org.uk, indicating your interest in the APC Scheme (employer, student, potential mentor etc).

Jacqui Ward, APC Development Officer

Calling all mentors!

A mentor is an essential component of the increased level of support offered to graduates as they undertake the practical experience requirement of the APC. Mentors will be Corporate Members who are committed to the mentoring process, with a strong belief in its benefits to the Planners of the future. Mentors will receive free training and have access to central and regional training and networking opportunities. Mentoring is also an excellent opportunity to contribute to your Continuing Professional Development.

Interested? For further information on this rewarding role, please contact Jacqui Ward, apc@rtpi.org.uk.

Low Cost Events Update

So far this year the Branch have organised two successful CPD events, one in Leeds in April on Sustainable Development sponsored by White Young Green and the other more recently at Barnsley in July on Green Belts with CPRE.

The next event will be on the topic of Renewable Energy in York on 15th September. This free event will be sponsored by RPS and will take place during the afternoon for a change!

Looking forward to the Autumn, there will be a seminar in early/mid November on Planning and Water sponsored by Atkins. Amongst other issues, this will look at Sustainable Urban Drainage, the new Water Framework Directive, River Basin Management and what all this means for planning. This will be a joint event with the Chartered Institution of Environmental Management. The location has yet to be decided – so watch this space.

Remember events are either free or very, very low cost – so make the most of them!!.

Please contact Paula Nolan for more details:

Email: yorkshire@rtpi.org.uk Tel: 0113 246 5714