

## Future Newsletters

We hope that you found this edition of Root and Branch useful and informative. The articles you have read have been submitted by Members of the Yorkshire Region. If you, or your planning colleagues, have any views, reports, articles or any other information (humerous or otherwise) which you feel would be of interest to other members, please forward them, preferably by email, (see below) to Paula Nolan at regional office for inclusion in the quarterly Newsletter. 2009 deadlines are 4<sup>th</sup> March, 3<sup>rd</sup> June, 9<sup>th</sup> September and 2<sup>nd</sup> December. The success of the newsletter depends on the Members producing the necessary copy. There must be things happening in your area that merit being communicated to a wider audience!

All enquiries to: [Yorkshire@rtpi.org.uk](mailto:Yorkshire@rtpi.org.uk)

## Useful links...

Useful links ...

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

<http://www.rtpi.org.uk/cgi-bin/item.cgi?ap=18id=355>

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

[http://www.rtpi.org.uk/rtpi\\_yorkshire/](http://www.rtpi.org.uk/rtpi_yorkshire/)

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**Yorkshire Region Website**  
[http://www.rtpi.org.uk/rtpi\\_yorkshire/](http://www.rtpi.org.uk/rtpi_yorkshire/)



**Winter 2008**  
Royal Town Planning Institute  
Yorkshire Region Newsletter



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## A word from the Chair

'Tis the season of good will to all. So for my last blast I will keep it very short but not sweet.

It is also the season of fairy tales and wishful thinking. For a few minutes therefore join me in my la la land as I look forward to what I think should and could happen in our planning world, especially when I rule the world. No particular order...

1. A return of Council house building. Just think of the effect on the housing market, the development industry, waiting lists etc if just part of the monies the government has provided to mismanaged banks could have been used for house building.
2. Anyone using the terms "simpler, quicker, fairer, more accessible" in the context of the need for yet another reform to the planning system to be slowly garrotted.
3. Likewise with the constant use of "stakeholder".
4. Give up the pretence that the LDF system is working and was worth all the trouble. It ain't and it wasn't.
5. Universal condemnation of the mantra for timetables and deadlines and a return to sensibly negotiated development proposals as the priority.
6. Planners to be educated that planning is a PUBLIC service which needs good customer care as a priority.
7. LPAs to be headed by a chartered planner, particularly for those with Beacon/Investors in People status.
8. Council's to have graduate trainee schemes.
9. Keynesian economics to apply – if there is and will continue to be such a shortage of planners as seems to be a common allegation, then salaries should reflect this.

Cont'd/...

# Plan for the future – 2009

**Senior Retail Planner**  
...→ LEEDS CITY CENTRE - Up to £50k + Company Car + Benefits  
As the main consultant to a major retailer working on schemes across the whole of the UK, our client is looking to recruit a specialist retail planner ideally with more than 5yrs experience in the private sector. This independent consultancy can offer career progression and flexible working to the right candidate.  
Ref: VT/13635

**Senior Consultant**  
...→ YORK - Up to £45k package  
Our client is a specialist consultancy working on a variety of regeneration projects. You will ideally have a minimum of two years experience within regeneration, and a knowledge of housing and/or planning issues, as well as a solid understanding of public policy with regards housing market renewal, development plans or skills and employment.  
Ref: VT/13599

**Senior Planner**  
...→ LEEDS CITY CENTRE - Up to £40k Package  
One of the UK's leading independent planning consultancies is looking to appoint a Senior Planner. Ideally RTPI qualified, you will manage a range of complex commercial, retail and mixed use planning projects. You will be proactive, innovative and commercially aware ideally with a consultancy background.  
Ref: VT/13524

**Senior/Principal Planner**  
NORTH EAST - Up to £50k + Additional Benefits  
Our client is involved in a broad range of strategic planning work advising public authorities and major institutions. You will be preferably RTPI with a solid consultancy background, and have some experience of EIA's. Managing your own projects, winning business and developing strong client relationships is essential to this role.  
Ref: VT/13571

**Head of Urban Design**  
...→ LEEDS CITY CENTRE - Salary Negotiable  
Develop an urban design team and generate new business opportunities. You will lead on urban design projects, and have the ability to develop and lead a team. You will ideally have an MSc in Urban Design and preferably a strong consultancy track record.  
Ref: VT/13650

**Partner Level Planner**  
...→ LEEDS CITY CENTRE - Package Negotiable for the right Candidate  
With an existing portfolio of public & private sector clients, our client is looking to grow its planning team at a Senior level. Experience of town & city centre schemes advising on policy & dc matters, and submitting major applications preferred. Business winning, and staff management skills are essential parts of this role.  
Ref: VT/12481

→ → → To apply for any of the above opportunities please email [vicky.tipper@juddfarris.co.uk](mailto:vicky.tipper@juddfarris.co.uk) or contact Vicky in the strictest of confidence on 0161 834 8666. For the latest in permanent or interim opportunities and services, visit [juddfarris.com](http://juddfarris.com)

**Judd Farris**  
property recruitment

Registered Office: Royal Town Planning Institute, 41 Botolph Lane, LONDON EC3R 8DL  
RTPI, a charity registered in England 262865 and Scotland SC 037841

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- 10. Councillor training to be mandatory. Plus CPD thereafter. In my wilder dreams I would even say that exams should be required.
- 11. Someone in Whitehall to make sure that lawyers draft clear and unambiguous regulations e.g the current confused nonsense regarding compliance with conditions, PD rights.
- 12. A return to the requirement for RTPI membership for more senior LPA positions

And I could continue but

- 13. Help yourself to the rest .....

It is said that all good things must come to an end. So, my spell as chair is now over. It has been an enjoyable and educational experience. Thanks to everyone who has helped over the last two years. And to those of you who you have read and listened to my rantings.

Cue the end scene of The Searchers, fading gently into the sunset .....

**Harvey Pritchard, Yorkshire RTPI Chair**

## YORnet Autumn Social 2008

Once again the Ha! Ha! Bar & Canteen, Millennium Square, Leeds played host to the YORnet Autumn Social on Thursday 18<sup>th</sup> September 2008. The event attended by planners, architects and surveyors was a great opportunity for professionals from across the Yorkshire region to socialise and network.

The event followed the RTPI/YORnet evening seminar 'The 3 City Challenge' at Leeds Metropolitan University which included presentations and



discussions led by Chief Planners at Leeds, Sheffield and Hull. The hearty buffet at the YORnet Autumn Social was very kindly sponsored by recruitment consultants Eden Brown ([www.edenbrown.com](http://www.edenbrown.com)). Both events were attended by the RTPI President Janet O'Neil as part of her presidential visit to the Yorkshire region.



YORnet is a network for young built environment professionals in Yorkshire and is attached to Concourse, the Leeds centre for art, architecture,

construction, landscape, planning and urban design. To register your interest and join YORnet, please email [yorkshire@rtpi.org.uk](mailto:yorkshire@rtpi.org.uk) It is free to register onto the emailing list and you will be kept up to date on forthcoming YORnet events and activities.

Don't forget to visit the YORnet Facebook Group Blog for articles and photographs from all of the past YORnet events and activities including the photos from the 3 City Challenge Seminar and the Autumn Social.



Also visit the all new RTPI Yorkshire Young Planners page [www.rtpi.org.uk/yorkshire\\_young\\_planners/](http://www.rtpi.org.uk/yorkshire_young_planners/)

If you or your organisation would like to discuss sponsorship opportunities for future YORnet social events and evening cpd seminars, then please contact Paula Nolan, RTPI Administrator, email [yorkshire@rtpi.org.uk](mailto:yorkshire@rtpi.org.uk)

For further information on the RTPI Young Planners Network, visit [www.rtpi.org.uk/young\\_planners\\_network/](http://www.rtpi.org.uk/young_planners_network/)

**Bhupinder S Dev, MRTPI, City of Bradford Metropolitan District Council and RTPI Yorkshire Young Planners Coordinator**



## YPA VOLUNTEERS

**YPA volunteer numbers in 2008 topped 100 for the first time**, well over three times the number of volunteers from the launch of the new service in 2004!

Many new recruits have signed up via the Planning Aid website, where there is a new electronic version of the Volunteer Registration form. Obviously we rely on our volunteers to deliver the Planning Aid service, so a big **Thank You** to everyone for their support over the past year.



Interest from new recruits to the planning profession, or from students, remains high, and they are able to assist with community planning activities, or with casework research. However, as always, we continue to need additional support for Planning Advisor Jim Rogers from Corporate members who can take on casework especially around the Humber area and in the South of the region. We would also like to hear from anyone who has specialist skills in flood risk; minerals, waste & recycling; environmental assessment; energy generation, including wind turbines; and Housing Market Renewal.

So, when you are wondering what on earth to adopt as your New Year's Resolution, don't forget the Planning Aid option! Even if you only want to help on a couple of cases during the year, or at a couple of events, we'd love to hear from you – even registering to provide specialist advice to Jim on the subjects mentioned would be a great help. Look on the website for that wonderfully quick and easy way to register – [www.planningaid.rtpi.org.uk](http://www.planningaid.rtpi.org.uk) – or give us a call at the Leeds office: 0113 237 8486.

And, of course, best wishes for a Happy New Year to all!

# 2008 Summer Party for Young Professionals

The **2008 Summer Party** for Young Professionals in the Built Environment in association with YORnet, RIBA, RTPI, RICS, IStructE and kindly sponsored by Minerva Appointments Ltd (<http://www.minervaappointments.com>) took place on the evening of **Friday 29th August 2008 at The Met Hotel in Leeds.**

Over 140 young professionals from across the built environment sectors enjoyed a glamorous evening of networking, socialising and of course lots of dancing!

The event included a drinks reception, 3 course formal meal, DJ and guest speaker Bryan Davies, The Wonderful North Expo 08 (<http://www.thewonderfulnorth.com/>). If you or your organisation are interested in sponsoring the 2009 Summer Party then please do not hesitate to contact RTPI Yorkshire. Email [Yorkshire@rtpi.org.uk](mailto:Yorkshire@rtpi.org.uk)

# **Donald Mellor FRTPI -** **1918 to 2008**

Donald Mellor was the first port of call to generations of town planners starting their careers in Leeds Corporation. Born in 1918 he started as a trainee with George McDonic and Dick Maddock in their 1930's engineering and planning consultancy at a time when planning schemes were prepared for Leeds suburbs under the Public Health Acts. In the Far East during the Second World War he was a prisoner under frightful conditions. Returning to Planning he joined Leeds Corporation under David Curry, the City Engineer when William Sleight was Chief Planner. Donald was an early pioneer to use the Louis Silkin Act of 1947. Leeds produced its first development plan about 1955 that I well remember pouring over in the Leeds College of Art Library. With its red-browns for Residential and purple for Industry and Designated Areas for development and compulsory purchase it provided a fantastic glimpse of what our city was to become. He became Leeds Council's Chief Planner in the 1960's and directed the Development Plan, Redevelopment, and Development Control teams. Donald was patient, knowledgeable, friendly and sincere with sound integrity and judgement. He will be remembered with affection by the hundreds of planners who have worked with him.

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## **YORKSHIRE CONFERENCE SERIES** **2009**

18 <sup>th</sup> February	Transforming Places, Changing Lives	Leeds
18 <sup>th</sup> March	Heritage Matters	York
22 <sup>nd</sup> April	Planning and the Professional	Sheffield

For further details please contact Paula Nolan, Regional Administrator  
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[Yorkshire@rtpi.org.uk](mailto:Yorkshire@rtpi.org.uk)

telephone on 0113 237 8487

or check the main website at [http://www.rtpi.org.uk/rtpi\\_yorkshire/](http://www.rtpi.org.uk/rtpi_yorkshire/)

## **YORKSHIRE SEMINARS 2009**

4 <sup>th</sup> February	Trees within Planning & Development (Free evening seminar at the Bar Convent in York)
11 <sup>th</sup> February	RTPI Yorkshire Licentiates Event (Free evening seminar at Leeds Metropolitan University)

For further details please contact Paula Nolan, Regional Administrator at:  
[Yorkshire@rtpi.org.uk](mailto:Yorkshire@rtpi.org.uk) , telephone on 0113 237 8487 or check the main website  
at [http://www.rtpi.org.uk/rtpi\\_yorkshire/](http://www.rtpi.org.uk/rtpi_yorkshire/)

# Another 'Gainful' Planning Experience

*Mick McLoughlin reports from the 2008 Planning Law Conference.*

Thanks again must go to Hammonds for another excellent Planning Law Update Conference. This year the Leeds College of Music venue was full to bursting with 180 planning delegates from Yorkshire and further afield. Indeed our Administrator, Paula Nolan had to turn folk away – so, as Sir Fred Pontin would say, the message for 2009 is 'book early to avoid disappointment'.

The day's programme was varied and interesting with topical and masterful material ranging from PPS25, highway issues, recent legal cases and the Planning Bill, but perhaps the linking theme of the day was that of planning obligations.



*Goodman: Excellent overview of new cases*

In his introductory round up of new case law, David Goodman reported amongst other things, on *R. (on the application of Carroll) v South Somerset DC* (January 2008) where an officer forgot about a Committee resolution and let a Decision Notice out of the door without a s106 Agreement! Fortunately, the Court took the view that the developer shouldn't benefit from an

error made by the Council, particularly where they were aware of the resolution and the requirement to enter into an Agreement.

## *The Wincanton Case*

- Residential development
- Resolution to grant planning permission "subject to the applicant entering into a section 106 agreement"
- Planning permission granted without s106 agreement
- Leader of Council brought claim for judicial review
- Court can intervene and quash decision made without proper authority
- Only sensible construction of the resolution that section 106 agreement had to be in place before the grant of planning permission
- Otherwise, Local Planning Authority negotiating from a position of weakness

Following on from David's discussion of this and other interesting recent planning law cases, Tracy Ofarn led delegates through the 'ins' and 'outs' of Highway Agreements whilst Robin James House explained the basics of the proposed Community Infrastructure Levy, including its relationship with s106 Agreements and how the two will live together in the future.

However, perhaps the most interesting overall presentation of the day was that of Martin Walker which focussed on the use of so-called 's106 planning conditions' in the wake of the Minister's decision in the Arnold White Estates case earlier this year. Following the Minister's decision, PINS has warned Inspectors about conditions requiring applicants to enter into planning obligations.

The Minister was concerned that the 's106 condition was 'taxation by the back door' and he considered the particular condition in that case to be imprecise and unenforceable, thereby

failing his own policy tests set out in Circular 11/95.

## *The Arnold White Estates Decision*

- Grampian "S106 Condition" agreed
- SOS rejected
- It would need payments
- Insufficient detail
- Not precise

Martin reminded everyone that the courts have been prepared to take a wider approach than the Secretary of State's own policy approach, e.g. in relation to Grampian conditions.

In his view, the previous more 'positive' attitude of the courts still leaves the door open to authorities and developers to consider the use of carefully drafted Grampian-style conditions to pragmatically balance the needs of the real world with the aims of targets and efficiency.

We shall see if the Secretary of State amends his policy advice in 11/95 to explicitly ban the use of Grampian conditions in this way – and if so whether the courts will limit his policy to just that, policy, not an interpretation of the law.

The above represents just a taste of the day's proceedings and cannot do *justice* (sorry!) to the Hammond's Team. Hopefully, however, it gives a flavour of the continuing high quality of this ever popular Conference.

See you there in 2009 (if you can get a seat!)

Mick McLoughlin  
*MJM Planning*

## **The RTPI Office is Moving!**

**The Regional office of the RTPI, together with Planning Aid, is leaving The Green Sand Foundry in Leeds towards the end of January 2009. We are re-locating in the Leeds area and further information will be emailed to contacts and the new address and telephone/fax numbers published in the Spring edition of Root & Branch and posted onto the website. Meanwhile, please use the email addresses:**

**[Yorkshire@rtpi.org.uk](mailto:Yorkshire@rtpi.org.uk)**

**and**

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