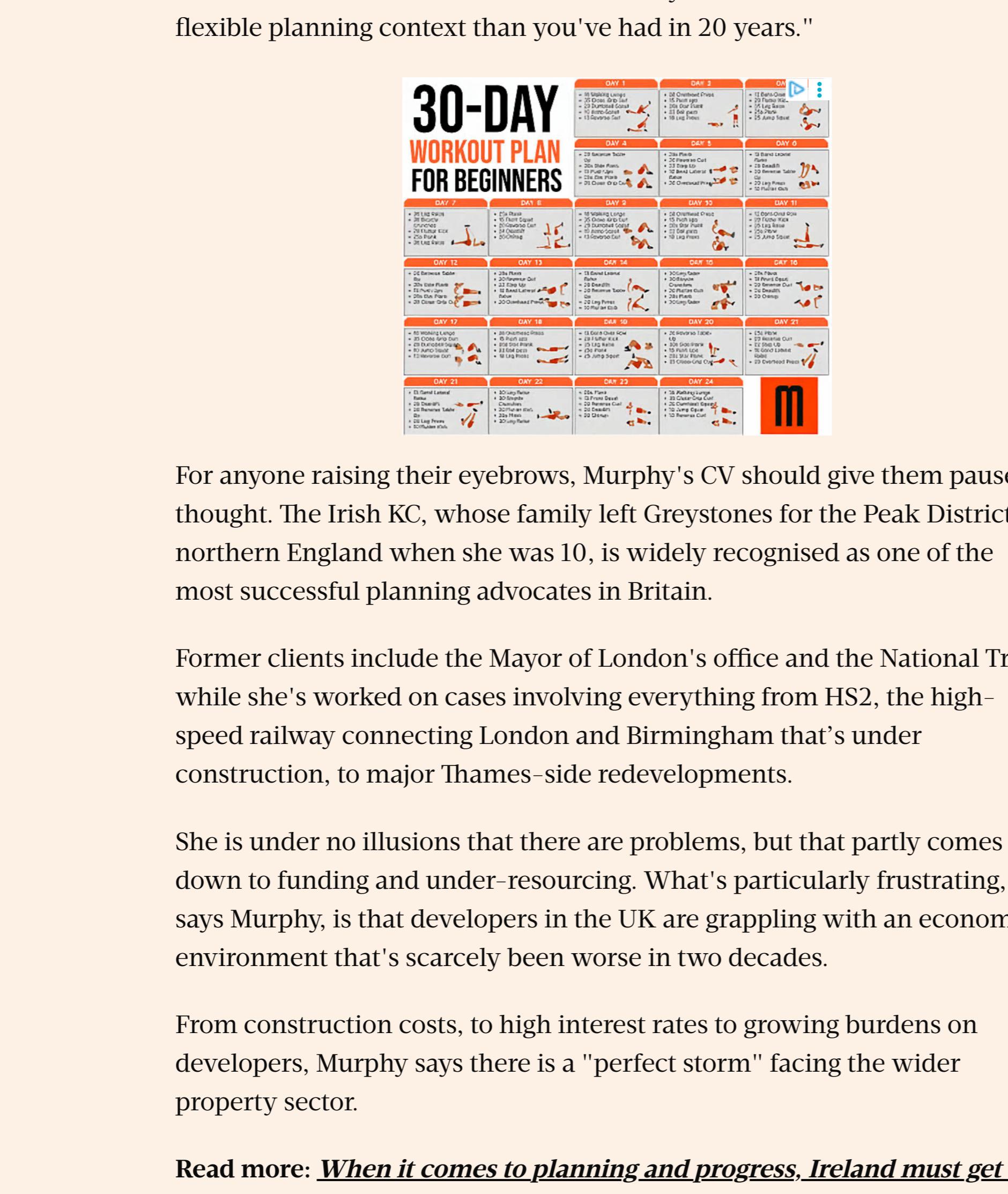


'Our planning system is very liberal': Meet Melissa Murphy, a leading Irish barrister in London



Dominic McGrath

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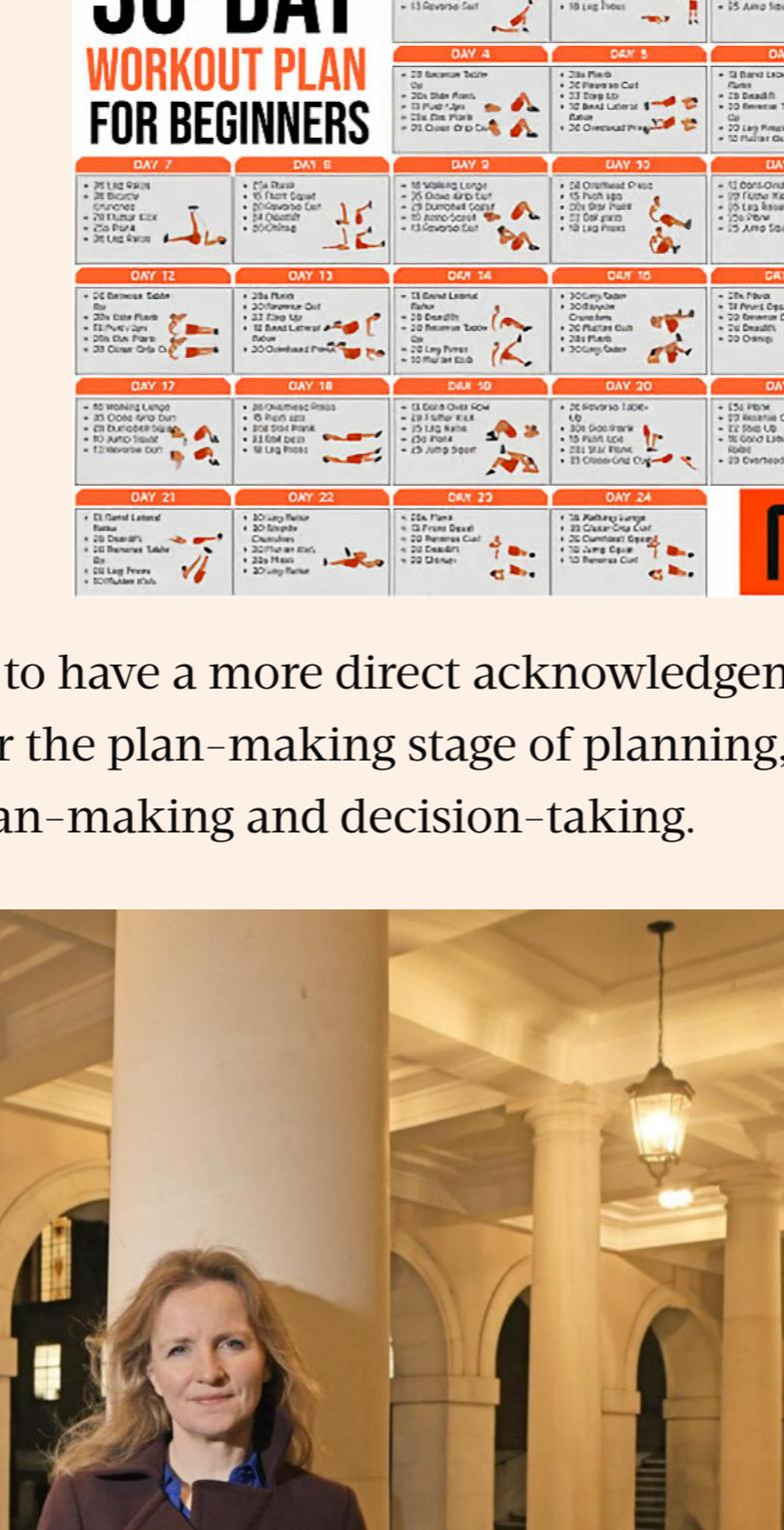


Melissa Murphy, King's Counsel photographed near her offices in Fleet Street, Central London. Picture: Daniel Lynch

- It has become something of an accepted fact, on both sides of the Irish Sea, that the planning systems today are slow, dysfunctional and even defective.
- Politicians of all stripes, and the bosses of Stripe too, have turned their ire on red tape and judicial reviews, urging a radical overhaul to get countries building again.
- Sitting in a bustling café in the centre of London, one of the UK's top planning barristers has a different perspective though.

"There is a misapprehension that the system is so dysfunctional that it gives rise to unacceptable delays," Melissa Murphy, a King's Counsel (KC), tells me.

"That's not correct. I think at the moment you have a more liberal and flexible planning context than you've had in 20 years."



For anyone raising their eyebrows, Murphy's CV should give them pause for thought. The Irish KC, whose family left Greystones for the Peak District in northern England when she was 10, is widely recognised as one of the most successful planning advocates in Britain.

Former clients include the Mayor of London's office and the National Trust, while she's worked on cases involving everything from HS2, the high-speed railway connecting London and Birmingham that's under construction, to major Thames-side redevelopments.

She is under no illusions that there are problems, but that partly comes down to funding and under-resourcing. What's particularly frustrating, says Murphy, is that developers in the UK are grappling with an economic environment that's scarcely been worse in two decades.

From construction costs, to high interest rates to growing burdens on developers, Murphy says there is a "perfect storm" facing the wider property sector.

Read more: [When it comes to planning and progress, Ireland must get out of its own way](#)



"You've got this crazy dilemma, which is that if you put yourself in the shoes of a developer in this country, you can see that it should be the easiest time to get planning permission, but it's a very difficult time to actually go ahead and provide development."

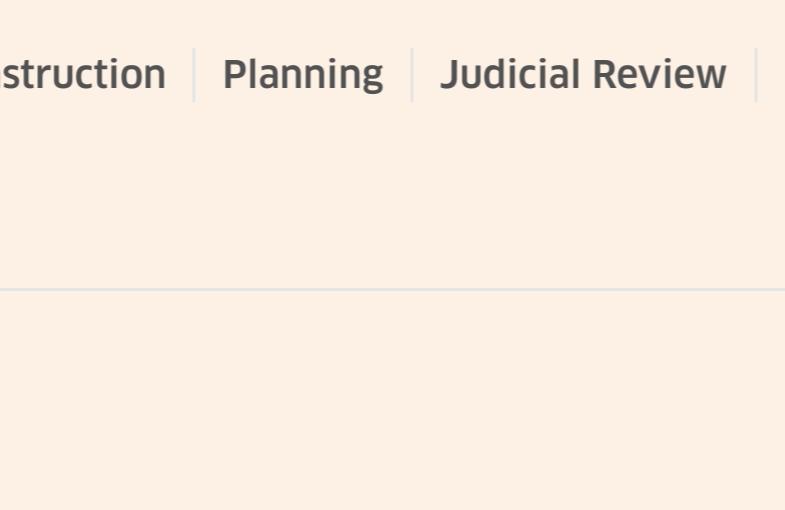
Solutions

In Dublin and London, ministers have for several years tried and mostly failed to square this circle, as developers point to ever-growing challenges around viability.

London in particular has been hit by this crisis, with house-building coming to an effective halt in recent months. Official data reveals the scale of the problem, with five different boroughs recording zero affordable housing starts between April and September.

In October, Labour promised a series of emergency measures to boost delivery, including removing design guidance on density and fast-tracking approvals for sites with at least 20 per cent affordable housing.

Murphy is happy that the problem is being recognised, but thinks that parts of the proposals could go further.



"One of them is to have a more direct acknowledgement that viability is not primarily for the plan-making stage of planning, that instead it would be for both – plan-making and decision-taking."

Read More: [Former CEO of McCabe's Pharmacy withdraws Metrolink challenge](#)

"In this country you've got a system which is quite adept at picking out unmeritorious challenges."

"If you think about the grounds on which you've got a judicial review, if one of those truly has merit, why shouldn't a developer be able to get a judicial review? Actually, the very purpose of an administrative challenge is to ensure that administrative decisions are taken properly."

"We shouldn't be aspiring to poor quality decision-making. If you are troubled by the prospect of a decision being quashed, you better make sure it's bulletproof."

"In a sense, you get what you deserve if you fail to do that, and it's just as it should be in a mature democracy."

Politics

Murphy, who asks difficult questions for a living, is also a careful interviewee. She's also found herself in a reflective mood recently about her Irish upbringing.

Her mother was a solicitor and her father a hotel manager. There were fewer opportunities in the latter profession in the Ireland of the mid-1980s, with the family opting to bring Murphy and her two sisters to a small village in the north of England, bringing Murphy and her two sisters to a small

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