

EVEBRIEF

Legal & Parliamentary

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PLANNING – THE SANDS CONTINUE TO SHIFT



Gemma Goakes
Editor

Although this edition of Evebrief follows hot on the heels of Wednesday's spring Budget we have resisted the temptation to provide a summary of its provisions, as there can be few if any readers who have not already seen summaries and commentary in other publications. Gerald Eve are however preparing detailed briefings on some of the property related provisions.

At item 04 we report on an extension of the powers of the Mayor of London which now enable him to determine major planning applications in three London Boroughs which were previously excluded from the powers.

At the 'other end of the scale' the Localism Bill receives a little more clarity in relation to pre-application consultation with communities (item 05.) The Bill imposes three requirements on developers which are designed to ensure that communities are fully consulted, and developers are obliged to take the comments received into account. Whilst this should give communities more of an input into the planning and development process there is a risk that this will potentially slow the process down at a time when the Government is trying to stimulate development. Only time will tell.

At item 07, we report on a planning publication by the RICS, reporting on a number of workshops held to try and bridge the gap between the public and private sector thinking on planning and development and the issues needing to be addressed. There are a number of key themes where the parties found common ground but it is evident from the report that, whilst there was a degree of agreement in some areas, there were some very hotly contested areas upon which they simply could not find common ground. There may well be more to come on this in the future, so stay tuned for interesting times ahead!

Finally, we continue to search for some positive news on the housing front – without much success. At item 09, the House Price Index from January 2011 indicates continuing stagnation – which comes as no surprise. The HCA's Monthly Housing Market Bulletin at item 10 contains rather more pessimistic findings. Oh well – maybe in the next edition...

Gemma Goakes

PLANNING

01 Court of Appeal

Breach of planning permission – development of flats in garden of appellant's property

* BROADLAND DISTRICT COUNCIL V TROTT
(2011) PLSCS 82 – Decision given 17.03.11

Facts: The respondent council, BDC, granted the appellant, T, planning permission to build 30 flats in the garden of his property subject to a condition that BDC were to approve a scheme of landscaping before the development began. As part of that scheme T proposed to fence off part of the development site (“the affected land”) and plant it with trees to create a secluded garden for residents of the flats. BDC issued an enforcement notice under s171A(1)(b) of the Town and Country Planning Act 1990 alleging that the affected land had been enclosed within the extended garden of T’s house, that such a development did not have planning permission and deprived the flats of amenity land. T appealed against the notice and the inspector found that the enforcement notice was unclear. He therefore amended it to allege non-compliance with the landscaping condition and included a requirement that T should make the land “available for the enjoyment of residents”, but T continued to treat it as part of his garden. BDC obtained an injunction restraining T from preventing the residents of the flats from enjoying the affected land.

Point of dispute: Whether T’s appeal against the issue of the injunction would be allowed. T argued that the judge had been wrong to conclude that: (i) there had been a breach of planning control; and (ii) the enforcement notice was not null and void but merely defective and could be corrected.

Held: T’s appeal was allowed.

- i. Since BDC had not alleged that there had been a breach of planning control within s171A(1)(a) of the 1990 Act it had to establish that T’s failure to make the land available to residents of the flats was a failure to comply with a condition subject to which planning permission had been granted. The court did not accept that the revised landscaping condition actually required the land to be made available for the residents’ use, and therefore it had not been breached. An appropriate condition would have been one which prevented the flats from being occupied until the land had been laid out as an amenity area for the occupants and prohibiting its use for other purposes thereafter.
- ii. The lawfulness of the inspector’s decision to correct the enforcement notice had not been challenged in appropriate proceedings.

02 Court of Appeal

Section 106 agreement requiring grant of rights of way over development site to adjoining properties – court refusing appellant declaration regarding proper construction of agreement – whether declaratory relief appropriate where appellant not party to agreement

* MILEBUSH PROPERTIES LTD V TAMESIDE METROPOLITAN BOROUGH COUNCIL
(2100) PLSCS 80 – Decision given 17.03.11

Facts: A planning permission for development of a site in Uxbridge owned by TMBC, the respondent, contained a condition requiring the construction of a service road to access the rear of certain properties on the south side of the High Street. TMBC’s predecessors in title had entered into an agreement under s106 of the Town and Country Planning Act 1990, clause 3.5 of which required the developer to grant a right of way over the service road to “authorised properties”, which included properties owned by the appellant, MPL, in order to provide access for servicing to the rear of those properties at all reasonable times and on such reasonable terms as the developer might impose. In 2009 TMBC wrote to MPL proposing to grant a right of way over the service road, but with limited times of access and using a security gate. MPL, who objected to these conditions, applied to the court for declarations that TMBC were obliged to grant a right of way in accordance with the proper construction of clause 3.5.

Point of dispute: Whether to allow MPL’s appeal against the ruling of the High Court which had rejected MPL’s construction of clause 3.5 and held that this was an appropriate case for declaratory relief under CPR Rule 40.20.

Held: MPL’s appeal was dismissed.

- i. Although the discretion to grant a declaration covered a wide range of cases and might be granted in private law proceedings relating to the disputed construction of a document that affected a claimant, even though the claimant was not a party to it, in the circumstances of this case the judge had been entitled to conclude that it was not appropriate to exercise his discretion to grant MPL the declaration it sought.
- ii. A private action for a declaration was not the appropriate proceeding for MPL to take since this case concerned planning obligations which are a matter of public law. MPL should have taken judicial review proceedings with the local planning party as the other main party and TMBC joined as an interested party.
- iii. In the context of the agreement which was entered into originally because the pedestrianisation of the High Street created a need for alternative vehicular access to service the rear of the properties that fronted it, the judge had construed clause 3.5 correctly. A security gate to control access to the service road was consistent with servicing use; any dispute concerning reasonableness of the provision had to be subject to expert determination.

03 High Court

Judicial review of planning permission for holiday chalets

* R (ON THE APPLICATION OF KNOWLES-FITTON) V CRAVEN DISTRICT COUNCIL (2010) PLSCS 70 – Decision given 11.02.11

Facts: K-F was the leader of the defendant council, CDC. In 2003 CDC had granted planning permission to the interested party (X) to build eight holiday chalets in a rural location, subject to a condition that they could not be used as permanent residences and providing for an annual closure period during the winter. In 2007 X applied for permission for an additional chalet with a revised layout. CDC allowed this application and granted permission “for one timber chalet in addition to” the other eight and for the amended layout, but the residence restriction was omitted. X commenced work on the development and in a letter sent to CDC in April 2010 asserted that the 2007 permission was a free-standing consent for nine chalets with no residence restriction. CDC did not respond to that letter, or subsequent emails, until July 2010.

Point of dispute: Whether K-F’s claim, on behalf of CDC, for judicial review to quash the planning permission would be allowed. K-F sought:

- (i) consent to apply for judicial review of the permission on the grounds that it had been granted in error;
- (ii) an extension of time; and
- (iii) a declaration as to the true meaning of the 2007 permission.

X argued that judicial review should be refused on the grounds of undue delay which had caused them significant prejudice as they had had to stop work on the development owing to the uncertainty over the planning position. This had caused them to lose sales and incur interest on loans to finance the project.

Held: Permission to apply for judicial review was refused.

- i. The 2007 planning permission permitted the erection of nine chalets with no residence restrictions. There was not one (2003) permission for the first eight chalets, and another (2007) for the ninth and the layout. The principle was that any amendment to an existing planning consent could proceed only by way of a fresh consent, resulting in two separate planning permissions either one of which could be used.
- ii. The general rule was that where the grant of planning permission has been infected by a material error, the court should maintain the integrity of the planning system by quashing the permission. That rule should not apply in this case as CDC’s undue delay in bringing the claim had caused X substantial prejudice.

04 Statutory Instrument

SI 2011/550 The Town and Country Planning (Mayor of London) (Amendment) Order 2011

Section 2A of the Town and Country Planning Act 1990 (c.8) (inserted by s31 of the Greater London Authority Act 2007 (c.24)) gives the Mayor of London power to direct that applications for planning permission of potential strategic importance (“PSI applications”) must be determined by him in place of the local planning authority. Section 2A(6) provides for an Order made under s2A to make provision for exceptions and exclusions. The effect of this Order, which comes into force on 1.4.11, is that PSI applications within the Boroughs of Barking and Dagenham, Havering and part of the London Borough of Newham, which were previously excluded from s2A, must now be determined by the Mayor of London, if he issues a direction.

<http://www.legislation.gov.uk/ukSI/2011/550/contents/made>

05 CLG Publication

Pre-application consultation with communities: a basic guide

This note explains the new Localism Bill requirement for developers to consult with local communities prior to submitting certain planning applications. The Bill imposes three requirements on developers:

- To consult with communities before submitting certain planning applications, having regard to any advice that their local planning authority may provide;
- To consider any responses they receive before they finalise their proposals and submit their applications; and
- When submitting their application, to explain how they have consulted the local community, what comments they have received and how they have taken these into account.

The document sets out how the provisions will work in practice and seeks views on which applications it should apply to.

<http://www.communities.gov.uk/publications/planningandbuilding/preapplicationguide>



06 CLG Letter to Chief Planning Officers

Letter to Chief Planning Officers: National Planning Casework Unit

This letter confirms the new arrangements for handing planning casework following the closure of the Regional Government Offices. These changes are part of the drive to devolve more powers to localities and to remove burdens and constraints on local and neighbourhood organisations.

<http://www.communities.gov.uk/publications/planningandbuilding/lettercaseworkunit>

07 RICS Publication

England planning workshops: The status of the planning and development sector

In August 2010 the Local Government Association, the Planning Officers Society and the RICS hosted a number of workshops across England with the aim of facilitating a dialogue between the public and private sector about planning and development, the emerging policy implications and to consider what issues may need to be addressed by the Government in the future. The feedback from these discussions could be organised into a number of key themes, which are summarised in this document.

http://www.rics.org/site/download_feed.aspx?fileID=8995&fileExtension=PDF

REAL PROPERTY

08 High Court

Solicitor's negligence – whether claim time-barred under section 2 of the Limitation Act 1980

* BOWLING & CO SOLICITORS V EDEHOMO
(2011) PLSCS 66 – Decision given 2.3.11

Facts: The respondent, E, and her husband owned an investment property as registered joint tenants. E's husband instructed the appellant solicitors (B) to act for them on the sale of the property. Contracts were exchanged in November 2002 and completion one month later. B sent E's husband a cheque for the sale proceeds, but E had never been aware of the sale, her signature having been forged on the contract and transfer document. E issued a claim for damages against her estranged husband and B. B alleged that the claim was time-barred since the cause of action had accrued on exchange of contracts and since then more than six years had expired. E argued that the cause of action had not arisen until completion, in which case her claim had been made in time.

Point of dispute: Whether B's appeal would be allowed against the finding of the court below that the cause of action had not arisen until completion of the sale which meant that E's claim had been brought in time.

Held: B's appeal was allowed. If E had wanted to sell her share in the property after the date of exchange of contracts on the fraudulent sale (and assuming for that purpose that she had been aware of the fraud) she would have had to disclose to a purchaser the existence of her husband's forged sale. No potential purchaser would want to proceed knowing about this. The damage to E had arisen on exchange of contracts, not on completion of the sale, which meant that her claim was time-barred.

HOUSING

09 CLG Statistics

House Price Index – January 2011

The latest UK house price index statistics produced by the Department for Communities and Local Government were released on 15.3.11 and include data based on mortgage completions during January 2011.

The following are the key points of this release:

- In January UK house prices increased by 0.5% over the year, but decreased by 1.4% over the month (seasonally adjusted);
- The average mix-adjusted UK house price was £208,552 (not seasonally adjusted);
- Average house prices were 0.4% lower over the quarter to January, compared to a quarterly decrease of 0.2% over the quarter to October (seasonally adjusted);
- Average annual prices increased by 1% in England, but decreased in Wales by 1.8%, in Scotland by 3.2% and in Northern Ireland by 14.1%;
- Prices paid by first time buyers were 1.5% higher on average than a year earlier whilst prices paid by former owner occupiers increased by 0.1%; and
- Prices for new properties were 8.6% higher on average than a year earlier whilst prices for pre-owned dwellings decreased by 0.1%.

<http://www.communities.gov.uk/publications/corporate/statistics/hpi012011>

10 Homes and Communities Agency (HCA) – Monthly Housing Bulletin

Monthly Housing Market Bulletin – 28.2.11

This bulletin provides HCA staff with the latest information on housing market trends, the economy and the housebuilding industry. The following are the most noteworthy points:

- House prices appear to be continuing on a slightly downward trending. Nationwide record a fall of 0.1% during January and most forecasters believe that this trend is likely to continue;
- There was a large reduction in demand for properties in January with Hometrack recording a 9.5% fall in new buyers registering with agents;
- Mortgage lending fell by 4% in January compared to December;
- Repossessions were down by 29% in 2010 compared to 2009;
- Economic growth fell by 0.6% in Q4 2010;
- Unemployment rose by 44,000 in the three months to December; and
- According to DCLG housing starts fell by 11% on the previous quarter and housing completions by 13%.

<http://www.homesandcommunities.co.uk/public/documents/Housing-Bulletin-Feb11.pdf>

ENVIRONMENT

11 Statutory Instrument

SI 2011/625 The Conservation of Habitats and Species (Amendment) Regulations 2011

These Regulations, which come into force on 6.4.11, amend the 2010 Regulations, which implemented Council Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna ("the Habitats Directive") and also transposed certain aspects of Directive 2009/147/EC on the conservation of wild birds ("the Birds Directive"). Regulation 4 imposes a duty on the Secretary of State and Welsh Ministers to classify sites as special protection areas, to be protected under the Birds Directive. Regulation 8 amends Regulation 100 of the 2010 Regulations (marine works): Regulation 100 of the 2010 Regulations requires the likely effect on any site protected under the Habitats Directive ("protected site") to be considered before the grant of a relevant consent for marine works. A relevant consent now includes the grant of a marine licence under Part 4 of the Marine and Coastal Access Act 2009 and an authorisation under the Aquatic Animal Health (England and Wales) Regulations 2009. Regulation 9 requires the likely effect on protected sites to be considered before the adoption and publication of a marine policy statement or a marine plan.

<http://www.legislation.gov.uk/uksi/2011/625/contents/made>

TRANSPORT

12 Department of Transport Consultation

High Speed Rail Investing in Britain's Future – Consultation Deadline for Responses: 29.7.11

This consultation seeks views on the Government's proposed national high speed rail strategy (described in Part 1) and on the recommended route for an initial high speed London-West Midlands line (set out in Part 2).

<http://highspeedrail.dft.gov.uk/library/documents/consultation-document>



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GENERAL

13 College of Estate Management Occasional Paper

Sustaining Cultural Identity and a Sense of Place – New Wine in Old Bottles or Old Wine in New Bottles

This paper examines the qualities that comprise a sense of place, using current concepts of significance and value to understand why places are important and how to categorise that importance. The way in which the historic environment is perceived has moved from being viewed as particular structures that are selected for protection to places that are significant to communities, where the historic environment helps to create a sense of place and cultural identity which contributes to the quality of the environment where people live and work.

14 CLG Publication – Government response

A Review of Coalfields Regeneration – Government response to recommendations

This is the Government's response to the Coalfields Regeneration Review Report which was published in September last year. It sets out the Coalition Government's commitment to provide continuing support to communities in these areas and to make locally led regeneration the central feature of the new approach. The following are the key areas where action is to be taken:

- Funding of £30m over two years for the Coalfields Regeneration Trust;
- £150m funding to complete remaining investment projects in the HCA Coalfields Programme, so long as they are commercially realistic and in line with local priorities;
- Giving more flexibility to local authorities as well as a key role in determining priorities for local HCA investment; and
- The creation of a new small business start up fund as part of the Coalfield Regeneration Trust programme. This will work with Enterprise Fund and other coalfields partners to provide small loans to business start ups in the most challenged areas.

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Abbreviations

The following abbreviations are used in evebrief:

BLD	Lexis Nexis Butterworths (internal abbreviation)
EG	Estates Gazette
EGLR	Estates Gazette Law Reports
EWCA	England & Wales Court of Appeal
EWHC	England & Wales High Court
P&CR	Property, Planning and Compensation Reports
PLSCS	Property Law Service Case Summaries

The star system

Cases are marked with one, two or three stars as follows:

- *** Essential reading on the point of law or valuation with which the case is concerned, because it adds to, or clarifies or changes, the law.
- ** Noteworthy case which does not significantly alter the law or which relates to a relatively obscure point.
- * Interesting but non-essential reading.

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EVEBRIEF

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SCOTLAND

LANDLORD & TENANT

01 Statutory Instrument

SSI 2011/176 The Tenancy Deposit Schemes (Scotland) Regulations 2011

These Regulations, which came into force on 07.03.11 make provision about tenancy deposit schemes for the purposes of ss120-122 of the Housing Scotland Act 2006. The Regulations set conditions which schemes must meet before they will be approved and establish the regulatory framework for the schemes.

<http://www.legislation.gov.uk/ssi/2011/176/contents/made>

PLANNING

02 Act of the Scottish Parliament

Historic Environment (Amendment) (Scotland) Act 2011

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 20.01.11 and received Royal Assent on 23.02.11. It amends the law relating to ancient monuments and listed buildings, including provisions relating to unauthorised works, powers of enforcement in connection with such works, offences and fines, powers of entry to ancient monuments, the control and management of certain ancient monuments and liability for the expenses of urgent works on listed buildings. It also makes provision for the creation of inventories of gardens and designed landscapes and of battlefields, and provides for grants and loans in respect of the development and understanding of matters of historic and other interest.

<http://www.legislation.gov.uk/asp/2011/3/contents/enacted>



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03 Statutory Instrument

SSI 2011/144 The Town and Country Planning (Marine Fish Farms Permitted Development) (Scotland) Order 2011

This Order, which came into force on 23.02.11, confers permitted development rights in respect of the operation of certain marine fish farms.

<http://www.legislation.gov.uk/ssi/2011/144/contents/made>

04 Scottish Government – Planning Circular

Planning Circular 2/2011: The Town and Country Planning (General Permitted Development) (Non-Domestic Microgeneration) (Scotland) Amendment Order 2011

This Circular explains the provisions of the new Order which came into force on 18.03.11. The aim of the amendments to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 is to enable microgeneration equipment to be installed on or within the curtilage of existing non-domestic buildings without the need to apply for planning permission.

<http://www.scotland.gov.uk/Publications/2011/03/17092643/0>

05 Scottish Government Planning Advice Note

Planning Advice Note(PAN) 1/2011: Planning and Noise

This PAN provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise. It supersedes Circular 10/1999 Planning and Noise and PAN 56 Planning and Noise and promotes the principles of good acoustic design and a sensitive approach to the location of new development to ensure that potentially noisy development is appropriately located and not in such a way as to unreasonably affect quality of life. Environmental Health Officers and/or professional acousticians should be involved at an early stage in development proposals which are likely to have significant adverse noise impacts.

<http://www.scotland.gov.uk/Publications/2011/02/28153945/0>

06 Scottish Government Publication

Resourcing a High Quality Planning System

This report summarises the results of a consultation which was carried out between July and October 2010 seeking views on the effective use of resources to improve the quality of the planning system, how to measure the performance of the planning service and possible options for changing and extending the current fee system.

- The most popular suggestions related to more effective operation of the pre-application and validation processes.
- Most planning authorities are trying to improve performance through new and different ways of working.
- While most parties support making a change to the fee structure, upgrading and improving the current system clearly emerged as the favourite option.
- Many developers could support some fee increase if there was an improved service.
- There was a degree of support for introducing new charges for pre-application discussions and EIA developments.
- Introducing different fee rates for regional or tailored planning services was not supported.
- The results of the consultation have highlighted differences in perception between planning authorities and other parties in the development management process. Some developers have concerns about the attitude of planning authorities and the need for improved communication.

<http://www.scotland.gov.uk/Publications/2011/03/18151009/0>

ENVIRONMENT

07 Scottish Government Technical Advice Note (TAN)

Technical Advice Note (TAN): Assessment of Noise

This TAN contains guidance to assist in the technical evaluation of noise assessment. It is a guide for noise professionals in both the public and private sectors in the preparation and evaluation of noise impact assessments.

<http://www.scotland.gov.uk/Publications/2011/03/02104659/0>

GENERAL

08

Getting the best from our land – A land use strategy for Scotland Getting the best from our land: A guide to Scotland's first Land Use Strategy

This is Scotland's first land use strategy, a strategic framework bringing together proposals for getting the best from Scotland's land resources. The Strategy:

- sets out a Vision to guide thinking about the use of land and objectives relating to the economy, environment and communities;
- provides a set of principles for Sustainable Land Use to guide policy and decision making; and
- builds on the Government's current activities and includes further proposals to help meet its objectives.

<http://www.scotland.gov.uk/Publications/2011/03/17091927/0>
<http://www.scotland.gov.uk/Publications/2011/03/17124800/0>

WALES

PLANNING

09 Statutory Instrument

The Town and Country Planning (Blight Provisions) (Wales) Order 2011

The blight notice provisions in the Town and Country Planning Act 1990 ("the Act") enable persons holding certain interests in the categories of land specified in Schedule 13 to the Act (including land affected by certain planning and highway proposals) to require the appropriate authority to acquire their interest in the land. One of the interests which qualifies for protection is an interest of an owner-occupier of a hereditament where the annual value of the hereditament does not exceed such amount as may be prescribed by the Sec of State. The power to prescribe that amount, so far as exercisable in relation to Wales, is now vested in the Welsh Ministers. This Order, which comes into force on 01.04.11, increases the annual value limit from £29,200 to £34,800 to take account of the 2010 rating revaluation.

<http://www.legislation.gov.uk/wsi/2011/435/contents/made>

10 Welsh Assembly Government Planning Policy

Planning Policy Wales – Edition 4 February 2011

This document contains the current land use planning policy for Wales and is the policy framework for preparation of lpas' development plans. In particular, it complements the Assembly Government's Energy Policy Statement by providing a framework that will support renewable energy projects.

<http://wales.gov.uk/topics/planning/policy/ppw/?jsessionid=5tx2NBnJ3qwpHZ0vGIFz7mcQfbzlvRQTcd3KmYxpsgKV7hggqRQ2!1895062788?lang=en>

RATING

11 Statutory Instrument

WSI 2011/528 The Council Tax and Non-Domestic Rating (Amendment) (Wales) Regulations 2011

These Regulations, which come into force on 01.04.11, increase the amount of costs that billing authorities can recover in connection with an application for a liability order under the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 and the Council Tax (Administration and Enforcement) Regulations 1992.

<http://www.legislation.gov.uk/wsi/2011/528/contents/made>

NORTHERN IRELAND

PLANNING

12 Planning Service Report

NSI 2011/99 The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2011

These Regulations, which come into force on 11.04.11, amend the 2005 Regulations relating to the levels of fees payable to the Department of the Environment in respect of applications made under the Planning (Northern Ireland) Order 1991. An additional fixed charge has been introduced for applications for planning consent which require an environmental statement.

<http://www.legislation.gov.uk/nisr/2011/99/contents/made>



GERALDEVE

RATING

13

NSI 2011/57 The Rates (Housing Executive) Order (Northern Ireland) 2011

Under Article 21(1) of the Rates (Northern Ireland) Order 1977 the owner of any hereditament where the rent is paid at less than quarterly intervals may, by agreement in writing with the Department of Finance and Personnel, undertake to pay the rates chargeable in respect of the hereditament whether it is occupied or not. The Department may agree to make an allowance not exceeding 15% where the owner undertakes to pay on or before the dates specified in the agreement. This Order, which comes into force on 01.04.11, reduces to 10% the permissible allowance under any existing Article 21(1) agreement in respect of a hereditament owned by the Northern Ireland Housing Executive.

<http://www.legislation.gov.uk/nisr/2011/57/contents/made>

14 Statutory Instrument

NSI 2011/72 The Rates (Regional Rates) Order (Northern Ireland) 2011

This Order, which will come into force once it has been affirmed by the Assembly, fixes the amounts of the regional rates for the year ending 31.03.12. The amount of the regional rate to be levied on the rateable net annual values of hereditaments is 31.46p and the amount of the regional rate to be levied on the rateable capital values of hereditaments is 0.3698 pence in the pound. The non-domestic regional rate and the domestic regional rate are both increased by 2.5%. Hereditaments which are dwelling houses, private garages and private storage premises have a rateable capital value. Hereditaments used partly for the purposes of a private dwelling have both a rateable capital value and a rateable net annual value. All other hereditaments have a rateable net annual value.

<http://www.legislation.gov.uk/nisr/2011/72/contents/made>

15 Statutory Instrument

NSI 2011/73 The Rates (Industrial Hereditaments) (Specified Percentage) Order (Northern Ireland) 2011

This Order, which comes into force on 01.04.11, provides that the rateable net annual value of an industrial hereditament shall, where the hereditament is used wholly for industrial purposes, be 30% of its net annual value. Where an industrial hereditament is used partly for industrial purposes, 30% of the net annual value apportioned by the Commissioner of Valuation for Northern Ireland or the district valuer to the use of the hereditament for industrial purposes, shall be applied in computing the rateable net annual value of the hereditament.

<http://www.legislation.gov.uk/nisr/2011/73/contents/made>

16 Statutory Instrument

NISR 2011/91 The Rate Relief (Low-Carbon Homes Scheme) (Revocation and Savings) Regulations (Northern Ireland) 2011

These Regulations, which come into force on 01.04.11, revoke, with savings, the Rate Relief (Low-Carbon Homes Scheme) Regulations (Northern Ireland) 2010 which provided for rate relief for the first occupiers of newly-constructed dwellings which are low-carbon or zero-carbon homes. Savings provisions are made for newly-constructed dwellings in respect of which applications for planning permission have been made before 01.04.11 and applications for low-carbon home or zero-carbon home rate relief are subsequently made before 01.04.12.

<http://www.legislation.gov.uk/nisr/2011/91/contents/made>

17 Statutory Instrument

NSI 2011/92 The Rate Relief (Energy Efficiency Homes Scheme) (Revocation and Savings) Regulations (Northern Ireland) 2011

These Regulations, which come into force on 01.04.11, revoke, with savings, the Rate Relief (Energy Efficiency Homes Scheme) Regulations (Northern Ireland) 2010 which provided for rate relief for dwellings in respect of which owner-occupiers had made energy efficient improvements.

<http://www.legislation.gov.uk/nisr/2011/92/contents/made>