

01 Planning

04 Compensation

05 Taxation

06 Construction

09 Housing

15 Environment

16 General

Legal &  
Parliamentary

Volume 30(12) 06 October 2008

# evebrief

## Editorial



*Krista Fieldhouse*

I am writing this on 1 October: the day from which every building in England, be it commercial or domestic, is required to have an Energy Performance Certificate (EPC) when it is built, sold or let. A property may also have to provide an EPC if an existing building is modified. (Items 06, and 07, in the main edition and item 03 in the regional supplement all deal with EPCs).

It is not yet clear what the long term impact of EPCs will be, but there are some points to think about. Firstly the cost implications of compliance will not be insubstantial. Depending on the size and complexity of the building each commercial certificate is expected to cost between £2,000 and £10,000 and fines for non-compliance will be up to £5,000 (calculations based on 12.5% of RV). Also tenants may think it is a requirement of the landlord to provide these certificates, but how many tenants have also considered that they may have to bear the cost where a lease allows costs for such items to be recovered? Capital value implications will take some time to become clear. A poor energy rating may have an adverse

impact on a property's value and a good energy rating may give a building a higher value. It is also conceivable that lower running costs could lead to higher rents and higher running costs could lead to lower rents.

At item 05 we report on a case relating to the effect on council tax banding of increased traffic on a motorway. The occupiers were successful in two lower courts, but the matter was obviously considered important enough to be pursued to the Court of Appeal who found in favour of the Listing Officer. The Court of Appeal considered that increased traffic was not to be considered a change in the physical state of the locality for the purposes of the Act and therefore no change in the council tax band was to be made. I imagine if the council tax payer had won it might well have opened a floodgate of similar appeals all over the country.

**Krista Fieldhouse**

# Planning

## 01

Court of Appeal

### **Gypsies – Planning and Compulsory Purchase Act 2004, s38(6) – material considerations – whether burden on applicant for planning permission to show non-availability of other sites or that particular needs could not be met from another site**

\* SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL V SEC OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT (2008) All ER (D) 24 (Sep) – Decision given 05.09.08

**Facts:** A family of gypsies had led a travelling lifestyle but, following the birth of a daughter with a life-threatening condition requiring regular medical assistance and special care, they sought planning permission from SCDC for a residential gypsy site on which would be sited caravans, a utility block and a mobile medical unit for a disabled person. Ultimately, an inspector appointed by the Sec of State granted permission upon certain conditions, finding that although the development would have a significant adverse effect upon the rural character and appearance of the area there were other material considerations which had to be taken into account pursuant to s38(6) of the Planning and Compulsory Purchase Act 2004, including the limited immediate availability of suitable land and the exceptional nature of the family's personal circumstances, even among the gypsy community.

**Point of dispute:** Whether SCDC's appeal should be allowed against the decision of the judge in the court below that there were no grounds upon which to question the validity of the inspector's decision and that her approach to the burden of proof had been correct. SCDC argued that the judge and the inspector had erred in concluding that the gypsy family was not required to prove non-availability of other sites or that its particular needs could not be met from another site.

**Held:** SCDC's appeal was dismissed. Section 38(6) of the 2004 Act clearly stated that the Development Plan was to be determinative unless material considerations indicated otherwise. There was no burden of proof upon anyone and it was a matter for the planning authority or the inspector to decide what the material considerations were in each case and to give them such weight as considered appropriate. In this case the inspector had been correct in her analysis.

## 02

CLG and Environment Agency Guidance

### **Guidance on the permeable surfacing of front gardens**

As we reported in the last edition of Evebrief (see Volume 30(11) item 05), from 01.10.08 planning permission is required to lay traditional impermeable driveways that allow uncontrolled run-off of rainwater from front gardens onto roads as this contributes to flooding and pollution of watercourses. Planning permission will not be required if a new driveway or parking area is constructed using permeable surfaces such as permeable concrete block paving, porous asphalt or gravel or if water is otherwise able to soak into the ground. The new rules, which apply to hard surfaces exceeding five sq m in area, will also apply to replacement hardstandings. This guidance contains information and advice on the following:

- problems associated with paving front gardens
- prevention of such problems
- types of surfaces
- design and construction of permeable surfaces
- maintenance of a permeable driveway

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/pavingfrontgardens.pdf>

## 03

CLG Publication

### **Devising and delivering masterplanning at neighbourhood level: Some lessons from the New Deal for Communities (NDC) Programme**

This report, which focuses in particular on four case study areas — Bristol, Lewisham, Plymouth and Salford — seeks to identify some of the policy and practical dilemmas that have arisen for NDCs involved in masterplanning, how these have been tackled and whether problems have been overcome. The guide draws on the experience of NDC partnerships in order to learn how to develop effective masterplanning processes at a neighbourhood level and is aimed at neighbourhood renewal managers, officers and board members involved in area-based regeneration, community representatives, partners in mainstream agencies and Government policy makers with responsibility for future renewal programmes.

<http://www.communities.gov.uk/documents/communities/pdf/969946.pdf>

## Compensation

### 04

Technology and Construction Court

#### **Mining — claim for compensation due to properties becoming unsaleable following subsidence damage to adjacent properties**

\* THE COAL AUTHORITY V DAVIDSON  
(2008) PLSCS 247 — Decision given 09.09.08

**Facts:** Under the Coal Mining Subsidence Act 1991 CA was responsible for compensating persons whose properties had suffered subsidence damage following coal mining operations. D and his brother owned adjoining terraced properties adjacent to houses which had suffered severe subsidence due to mining. Those houses had been purchased by CA with a view to demolishing them. D argued that their houses had become unsaleable because of the subsidence which had occurred to the adjacent ones.

**Point of dispute:** Whether CA's appeal should be allowed against the arbitrator's order that CA should purchase each of the properties owned by D and his brother for £84,500. CA argued that since there was no actionable physical damage to the properties in question the arbitrator had had no power in law to make any award under the 1991 Act. CA did not accept that it could be liable to D for blight resulting from subsidence damage which had occurred not to their properties but to adjacent ones.

**Held:** CA's appeal was allowed. The arbitrator had had no power in law to make an order for compensation when there had been no physical damage to D's properties. It was not possible to pursue a claim for pure economic loss although some claims for economic loss could be recoverable under the 1991 Act in circumstances where there was physical damage. The arbitrator had misdirected himself by confusing physical subsidence damage and the suffering of damages which could, in certain circumstances, include economic loss or blight.

## Taxation

### 05

Court of Appeal

#### **Council Tax — whether dwelling near to motorway should be put into lower band rate — whether increased traffic amounted to change in physical state of locality**

\*\* CHILTON-MERRYWEATHER V HUNT  
(2008) PLSCS 248 — Decision given 19.09.08

**Facts:** H, who occupied a property near to a motorway, applied to have it placed in a lower council tax band arguing that increased noise and fumes resulting from the intensified use of the motorway had given rise to a material reduction in the value of his property caused in whole or in part by a change in the physical state of the dwelling's locality, within s24(4)(a)(ii) and 24(10) of the Local Government Finance Act 1992. C-M, the listing officer, refused the application on the basis that, in the absence of any alteration to the motorway, the increased noise was only an environmental change and not "physical" in nature within the meaning of s24(10).

**Point of dispute:** Whether C-M's appeal should be allowed against the rulings by the local valuation tribunal and the High Court judge in H's favour, that the increased volume of traffic and its noise levels had caused a change in the physical state of the locality of the dwellings which affected their value and that these changes were capable of amounting to a change in the physical state of the dwellings within s24(10). C-M contended that s24(10) was intended to deal with observable changes in the physical fabric of the local area, not fluctuating matters such as traffic and its environmental consequences.

**Held:** C-M's appeal was allowed. In valuing a house for council tax purposes the listing officer was concerned only with the essential character of the house and its locality. A house had to be valued according to the physical state of its locality but otherwise according to a "bible" of information regarding values at an earlier date, prepared by the Inland Revenue, and containing comparative guidelines as to how the value of a house might differ, in general, depending upon the physical location on a road of a particular category or configuration. The emphasis in s24(10) on the "physical" state of a dwelling was intended to distinguish matters of physical fabric and maybe character from matters of use, activity, enjoyment and occupation.

## Construction

### 06

Statutory Instrument

#### **SI 2008/2363 The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment No 2) Regulations 2008**

These Regulations, which came into force on 01.10.08, amend the 2007 Regulations which implement Articles 7 (energy performance certificate) and 10 (independent experts) of Directive 2002/91/EC on the Energy Performance of Buildings. The amendments concern various provisions related to energy performance certificates and related documents, including:

- extending from 12 months to three years the validity of energy performance certificates to be included in a home information pack under Part 5 of the Housing Act 2004; and
- allowing disclosure by any person in possession or control of an energy performance certificate — (i) by or to an energy assessor for the purpose of assessing a dwelling; (ii) by or to the Energy Saving Trust Limited of the address and energy performance rating of a dwelling for the purpose of providing information on financial support available for improving its energy performance or for statistical or research purposes; and (iii) by or to an approved inspector for the purpose of functions under Part 2 of the Building Act 1984

[http://www.opsi.gov.uk/si/si2008/pdf/ukxi\\_20082363\\_en.pdf](http://www.opsi.gov.uk/si/si2008/pdf/ukxi_20082363_en.pdf)

### 07

CLG Circular

#### **Circular 06/2008: Provisions relating to Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment No 2) Regulations 2008 (SI 2008/2363)**

This Circular:

- draws attention to these Amendment Regulations and the changes that they make to the Building Regulations 2000, the Building (Approved Inspectors etc) Regulations 2000, the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 and the Home Information Pack (No 2) Regulations 2007;
- draws attention to the changes made to the Accreditation Standards for the approval of Energy Assessors Accreditation Schemes and to the changes in the National Occupational Standards for energy assessors; and
- explains the transitional provisions and arrangements

It does not contain any technical advice on the carrying out of CO<sub>2</sub> emission rate calculations, such advice being given in Approved Documents L1A and L2A in respect of new buildings.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/circular062008.pdf>

## 08

CLG Circular Letter

### **Housing and Regeneration Act 2008 s317: time limit for prosecutions of breaches of building regulations**

On 22.09.08 s317 of the Housing and Regeneration Act 2008 came into force. Section 317 amends s35A of the Building Act 1984 so that the time limit for bringing prosecutions for all breaches of building regulations which are subject to prosecution under s35 of the Act is extended to two years from the date of completion of the offending building work. The two-year limit is subject to a requirement that any prosecution must be brought within six months of the date on which a local authority has sufficient evidence to justify bringing a prosecution. This extension of time is not retrospective.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/timelimitsdivletter2>

## Housing

## 09

CLG Statistical Release

### **House Price Index — July 2008**

- UK house prices were 0.3% lower than in July 2007.
- The mix-adjusted average house price in the UK stood at £217,171 in July 2008 (not seasonally adjusted).
- UK house prices fell by 0.5% in the quarter ending July 2008, which compares with a fall of 1.3% for the quarter ending April 2008.
- Average house prices increased by 3.6% in Scotland but fell in England by 0.3%, in Wales by 0.8% and in Northern Ireland by 10.3%.

<http://www.communities.gov.uk/documents/corporate/pdf/968047.pdf>

## 10

Statutory Instrument

### **SI 2008/2345 The Housing (Approval of a Code of Management Practice) (Student Accommodation) (England) Order 2008**

This Order, which came into force on 01.10.08, approves a code of practice laying down standards of conduct and practice to be followed with regard to the management of houses in multiple occupation and certain other buildings that are occupied solely or principally by full-time students.

[http://www.opsi.gov.uk/si/si2008/pdf/uksi\\_20082345\\_en.pdf](http://www.opsi.gov.uk/si/si2008/pdf/uksi_20082345_en.pdf)

## 11

Statutory Instrument

### **SI 2008/2346 The Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2008**

Paragraph 4 of Schedule 14 to the Housing Act 2004 provides that a building is not a house in multiple occupation for the purposes of the Act if it is a building which is occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further education at a specified establishment, or at an establishment of a specified description. These Regulations revoke the 2007 Regulations and replace the list of establishments that were listed in the Schedule to those Regulations.

[http://www.opsi.gov.uk/si/si2008/pdf/uksi\\_20082346\\_en.pdf](http://www.opsi.gov.uk/si/si2008/pdf/uksi_20082346_en.pdf)

## 12

Statutory Instrument

### **SI 2008/2358 The Housing and Regeneration Act 2008 (Commencement No 1 and Transitional Provision) Order 2008**

This Order brought into force on 08.09.08 certain provisions of Parts 1 and 2 of the Housing and Regeneration Act 2008. As regards Part 1 the provisions commenced are those relating to the establishment, constitution, objects and initial proceedings of the new Homes and Communities Agency. The Part 2 provisions are those relating to the establishment of the new Office for Tenants and Social Landlords.

[http://www.opsi.gov.uk/si/si2008/pdf/uksi\\_20082358\\_en.pdf](http://www.opsi.gov.uk/si/si2008/pdf/uksi_20082358_en.pdf)

## 13

CLG Report

### **Housing in England 2006/07: A report based on the 2006/07 Survey of English Housing**

This report is based on information that was collected from 17,489 households who were interviewed for the Survey of English Housing in the year to March 2007. It contains statistics on, inter alia, tenure and trends in tenure, changes in the social rented sector, tenure by region, tenure by age of the household reference person, economic status, marital status, household composition, household size, gross incomes, overcrowding, ethnicity, age of property, type of accommodation, car ownership, nationality and disability.

<http://www.communities.gov.uk/documents/corporate/pdf/971061.pdf>

## 14

CLG Guidance

### **The Strategic Housing Role of Local Authorities: Powers and Duties**

Local authorities address the housing needs of the residents in their area through strategic housing activity, known as the "strategic housing role". Although they have a range of housing and planning powers to help them deliver this role, it has become apparent that many authorities need further advice and assistance. This document is one of a package about the local authority strategic housing role and lists some of the powers and guidance that local authorities can draw upon.

<http://www.communities.gov.uk/documents/housing/pdf/strategichousingrole.pdf>

## Environment

## 15

Defra Consultation

### **Consultation on the guidance for Airport Operators to produce action plans under the terms of the Environmental Noise Regulations 2006**

**Deadline for Comments: 28.11.08**

The Environmental Noise Directive (END) 2002/49/EC and its related legislation, the Environmental Noise (England) Regulations 2006 and the Environmental Noise (England) (Amendment) Regulations 2008, aim to avoid, prevent or reduce the harmful effects of exposure to environmental noise. The Regulations require a noise mapping and action planning process to be taken forward on a five-year rolling programme, the first round of mapping having been submitted to the European Commission at the end of 2007 while the first action plans are due by 18.01.09. The Regulations require the Sec of State to publish guidance setting out limit values or other criteria for the identification of priorities for these action plans. The relevant Airport Operator is the Competent Authority for producing an action plan for their airport and the purpose of this guidance, on which feedback is requested, is to facilitate the delivery of these documents

<http://www.defra.gov.uk/corporate/consult/aviation-actionplans/Consultation.pdf>

## General

## 16

CABE Consultation Document

### **Skills to grow: seven priorities to improve urban green space skills**

**Deadline for Responses: 12.11.08**

This paper considers the challenges faced by those concerned with the management of urban green spaces and parks in finding and maintaining a sufficiently skilled and motivated workforce and ways of tackling current problems in this area. The results of this consultation process will inform the development of a skills strategy and the development of a detailed action plan.

<http://www.cabe.org.uk/AssetLibrary/12219.pdf>

# 17

CLG Publication

## **The Community Infrastructure Levy**

The Community Infrastructure Levy (CIL) will be a new charge which local authorities will be empowered, but not required, to charge on most types of new development in their area. It will be based on simple formulae relating the size of the charge to the size and character of the development paying it and the proceeds will be spent on local and sub-regional infrastructure needed to support the development. This document contains details about how CIL will be set, paid and spent. The legislative basis for CIL will be contained in Part 11 of the Planning Bill currently before Parliament and once enacted the Bill will enable the Sec of State to bring in regulations establishing CIL.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/communityinfrastructurelevy.pdf>

# 18

CLG Publication

## **Previously-developed land that may be available for Development: England 2007**

This report contains results from the "National Land Use Database of Previously-Developed Land" based on information collected in 2007 from local authorities on previously-developed land in their area. Significant statistics include the following:

- In 2007 there were an estimated 62,130 hectares of previously-developed land in England, down 1% from 62,730 hectares in 2006.
- It is estimated that 33,600 hectares of previously-developed land were vacant or derelict, representing 54% of the total. The remaining 28,520 hectares were in use but with potential for redevelopment.
- Since 2002 the amount of previously-developed land in England has declined by 6%. The amount of vacant and derelict land is 17.5% less, while land currently in use with potential for redevelopment has increased by around 12%.
- It is estimated that in 2007 there were 26,510 hectares of land that was potentially suitable for housing that could provide 1,051,000 dwellings but not all of this could be expected to come into use in the immediate future.

<http://www.communities.gov.uk/documents/corporate/pdf/945914.pdf>

# Gerald Eve LLP's UK office network

Gerald Eve LLP is an independent firm of chartered surveyors and property consultants, employing more than 300 staff across the UK.

We provide a comprehensive range of services to our private and public sector clients covering agency, asset management, professional and transaction-based advice.

Our philosophy is to serve clients by identifying opportunities and solving problems relating to property through the provision of high quality, thoroughly researched cost effective advice.

London (West End)  
Hugh Bullock Tel. 020 7333 6302  
hbullock@geraldeve.com

London (City)  
Simon Prichard Tel. 020 7489 8900  
sprichard@geraldeve.com

Birmingham  
Chris Kershaw Tel. 0121 616 4800  
ckershaw@geraldeve.com

Cardiff  
Joe Funtek Tel. 029 2038 8044  
jfuntek@geraldeve.com

Glasgow  
Ken Thurtell Tel. 0141 221 6397  
kthurtell@geraldeve.com

Leeds  
Mike Roberts Tel. 0113 244 0708  
mroberts@geraldeve.com

Manchester  
Mike Roocroft Tel. 0161 830 7070  
mroocroft@geraldeve.com

Milton Keynes  
Simon Dye Tel. 01908 685950  
sdye@geraldeve.com

West Malling  
Lisa Laws Tel. 01732 229423  
llaws@geraldeve.com



To add your name to the evebrief distribution list, please contact us at [evebrief@geraldeve.com](mailto:evebrief@geraldeve.com)

Evebrief has been established for more than 25 years. It is a summary of the latest statutory provisions and legal cases affecting the property industry and is widely regarded in the industry as the most comprehensive document of its type.

#### Useful web links

[www.ukonline.gov.uk](http://www.ukonline.gov.uk)  
[www.odpm.gov.uk](http://www.odpm.gov.uk)  
[www.dft.gov.uk](http://www.dft.gov.uk)  
[www.inlandrevenue.gov.uk](http://www.inlandrevenue.gov.uk)  
[www.hmso.gov.uk](http://www.hmso.gov.uk)  
[www.egi.co.uk](http://www.egi.co.uk)  
[focus.focusnet.co.uk](http://focus.focusnet.co.uk)  
[www.newLawonline.com](http://www.newlawonline.com)

#### 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.

#### Contact details

If you require full details of any of the cases presented in this publication, or would like to discuss them in further detail, please contact our specialists:

#### Agency

Chris Kershaw Tel. 0121 616 4800  
ckershaw@geraldeve.com

#### Compensation & Compulsory Purchase

Tony Chase Tel. 020 7333 6282  
tchase@geraldeve.com

#### Construction

Michael Robinson Tel. 0161 830 7091  
mrobinson@geraldeve.com

#### Environment & Contamination

Keith Norman Tel. 020 7333 6346  
knorman@geraldeve.com

#### Landlord & Tenant

Graham Foster Tel. 020 7653 6832  
gfoster@geraldeve.com

#### Leasehold Reform

Julian Clark Tel. 020 7333 6361  
jclark@geraldeve.com

#### Minerals & Waste Management

Philip King Tel. 0113 244 0708  
pking@geraldeve.com

#### Planning & Development

Hugh Bullock Tel. 020 7333 6302  
hbullock@geraldeve.com

#### Rating

Jerry Schurder Tel. 020 7333 6324  
jschurder@geraldeve.com

#### Real Property

Annette Lanaghan Tel. 020 7333 6419  
alanaghan@geraldeve.com

#### Valuation

Mark Fox Tel. 020 7333 6273  
mfox@geraldeve.com

#### Gerald Eve Research

One of our key roles at Gerald Eve Research is to communicate with our clients and others; to inform them, for example, on our latest thinking on topical issues such as legal matters and the implications for broader property market trends.

For more information on our research services please contact:

Robert Fourt  
Partner  
Tel. 020 7333 6202  
rfourt@geraldeve.com

#### Disclaimer & Copyright

*Evebrief is a short summary and is not intended to be definitive advice. No responsibility can be accepted for loss or damage caused by any reliance on it.*

© All rights reserved

*The reproduction of the whole or part of this publication is strictly prohibited without permission from Gerald Eve LLP.*

- 01 Scotland — Planning
- 03 Scotland — Construction
- 05 Wales — Planning
- 06 Northern Ireland — Planning

Legal &  
Parliamentary

Volume 30(12) 06 October 2008

# evebrief

## SCOTLAND

### Planning

#### 01

Planning Advice Note (PAN)

##### **Master Planning**

A masterplan describes and maps an overall development concept, including present and future land use, urban design and landscaping, built form, infrastructure, circulation and service provision. Whereas a development plan is concerned with the scale and type of development and the key principles of character for a region, a masterplan will be used where there is more certainty regarding the development of a specific site and it will be linked to social and economic analysis and a delivery strategy. The PAN covers the whole process of masterplanning — from understanding the need for masterplanning, to preparing, creating, processing and implementing a masterplan.

<http://www.scotland.gov.uk/Resource/Doc/237745/0065300.pdf>

#### 02

Consultation Paper

##### **National Planning Framework for Scotland 2 SEA: Supplementary Assessment of the Environmental Effects of Candidate National Developments — Environmental Report Annex 2 Deadline for Comments: 31.10.08**

The Discussion Draft National Planning Framework was published in January 2008 and, in accordance with the Environmental Assessment (Scotland) Act 2005, a Strategic Environmental Assessment of it is being undertaken. An Environmental Report was published at the same time, but since then a number of new ideas and proposals have been put forward that have not been subject to the full SEA process of assessment and consultation. This report sets out the findings of the additional process of environmental assessment of Candidate National Developments (CND) for inclusion in the NPF and comments are invited on the CNDs based upon the environmental information in the report.

<http://www.scotland.gov.uk/Resource/Doc/238554/0065470.pdf>

# Construction

## 03

Statutory Instrument

### **SSI 2008/309 The Energy Performance of Buildings (Scotland) Regulations 2008**

These Regulations, which come into force on 04.01.09, introduce the requirement for energy performance certificates to be produced when buildings are to be sold or rented out and for certificates to be displayed in public buildings.

[http://www.opsi.gov.uk/legislation/scotland/ssi2008/ssi\\_20080309\\_en\\_1](http://www.opsi.gov.uk/legislation/scotland/ssi2008/ssi_20080309_en_1)

## 04

Statutory Instrument

### **SSI 2008/310 The Building (Scotland) Amendment Regulations 2008**

These Regulations, which come into force on 04.01.09, amend Regulation 2(1) of the 2004 Regulations to insert a definition of "energy performance certificate". Schedule 3 to the 2004 Regulations sets out certain types of work that must comply with building regulations but do not require a warrant. These Regulations amend the 2004 Regulations to include work that involves affixing an energy performance certificate to a building.

[http://www.opsi.gov.uk/legislation/scotland/ssi2008/pdf/ssi\\_20080310\\_en.pdf](http://www.opsi.gov.uk/legislation/scotland/ssi2008/pdf/ssi_20080310_en.pdf)

# WALES

## Planning

### 05

Welsh Statutory Instrument

### **WSI 2008/2336 The Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2008**

The 1995 Order specifies the procedures connected with planning applications, appeals to the Welsh Ministers and related matters so far as these are not laid down in The Town and Country Planning Act 1990 or other related legislation. This Order, which comes into force on 06.10.08 and applies to Wales, amends the definition of "reserved matters" in article 1 of the 1995 Order and amends article 3 so as to specify what must be included in applications for outline planning permission in relation to those matters.

[http://www.opsi.gov.uk/legislation/wales/wsi2008/pdf/wsi\\_20082336\\_mi.pdf](http://www.opsi.gov.uk/legislation/wales/wsi2008/pdf/wsi_20082336_mi.pdf)

# NORTHERN IRELAND

## Planning

### 06

Statutory Rule

### **SR 2008/372 The Planning (Environmental Impact Assessment) (Amendment No 2) Regulations (Northern Ireland) 2008**

The 1999 Regulations implemented, for Northern Ireland, Council Directive 85/337/EEC ("the EIA Directive") on the assessment of the effects of certain public and private projects on the environment. These Regulations, which came into force on 01.10.08, amend the 1999 Regulations to implement the EIA Directive (as subsequently amended) in respect of applications for approval of reserved matters and applications for any consent, agreement or approval required by a condition imposed on the grant of planning permission.

[http://www.opsi.gov.uk/sr/sr2008/pdf/nisr\\_20080372\\_en.pdf](http://www.opsi.gov.uk/sr/sr2008/pdf/nisr_20080372_en.pdf)