Legal & Parliamentary

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evebrief

Editorial

We report at items 6 and 7 of this edition the outcome of a study undertaken for the Government by Kingston University on development of back gardens, and the subsequent advice given to local planning authorities.

Emotive debate on this issue was taking place in 2006 when the unsuccessful Land Use (Gardens Protection etc) Bill, aimed at restricting "garden-grabbing", was introduced in the Commons. MP Caroline Spelman claimed at the time that the combination of gardens being defined as brownfield sites and the imposition of house building targets by the government had led to "an explosion of chaotic and unplanned development in gardens across the United Kingdom" which she said had in turn exacerbated the under-utilisation of larger brownfield sites. It was claimed also that the public was being deceived about what brownfield development actually meant, and that 15% of all new homes were being built on existing residential plots including gardens.

The latest investigation reveals that in fact in the south east of England garden developments contribute close to 30% of all new dwellings and that, in areas where local authorities consider this to be an issue, the figure is closer to 50%.

The report concludes however that this is not a national problem, and the indication is that the substantial contribution made by garden development in some areas outweighs other considerations.

The action taken has been limited to a somewhat bland amendment to PPS 3 – the view taken being that local authorities are best placed to develop policies and, if appropriate, resist development on existing gardens. The worst-affected local authorities may though not agree with this – the evidence indicating that PPS 3 has probably not provided much assistance in resisting garden development and that the desire to increase density may even have made it harder to resist.

Whether this issue will be raised again, in the context of the forthcoming election, remains to be seen but we should not be surprised if it is – given that the nature of the geographical areas most affected means that it is not entirely without political implications.

Tony Chase

GeraldEve

Local Government

01

CLG Research Paper

Research into multi-area agreements – Summary of key findings

The purpose of multi-area agreements (MAAs) is to provide a framework for local authorities to work together on issues which cross council boundaries, but which are not large enough to need a regional approach. Their particular focus is on matters which will assist economic growth such as housing, transport, employment and skills. MAAs are a signed public agreement with central Government under which groups of councils covering a functional economic area work together with local agencies and pledge to boost economic growth and tackle deprivation and financial inequalities. In return, the Government will take action to devolve more power to councils so as to achieve better outcomes. By the autumn of last year 14 MAAs had been signed and a further one for the Olympic boroughs is proposed. This research bulletin summarises the main findings from an evaluation looking at the negotiation phase of MAAs signed in 2008.
http://www.communities.gov.uk/documents/localgovernment/pdf/36945876.pdf

The full version of this research report is:
Research into multi-area agreements – Long-term evaluation of LAAs and LSPs
http://www.communities.gov.uk/documents/localgovernment/pdf/62468543.pdf

Landlord & Tenant

02

Court of Session: Inner House, Extra Division

Lease of land for a golf course with option to purchase – how land to be valued when option exercised

****** MULTI-LINK LEISURE DEVELOPMENTS LTD V NORTH LANARKSHIRE COUNCIL
(2010) PLSCS 8 – Decision given 30.12.09

Facts: In 1999 NLC granted MLLD a 50-year lease of land on which MLLD built a golf course within five years of the date of entry. The lease included an option to MLLD to purchase the land at a price equal to the full market value of the land, to be fixed by NLC "as at the date of entry for the proposed purchase… of agricultural land or open space suitable for development as a golf course." In 2006 the land was identified as a potential area for housing development. In 2007 MLLD served NLC with a notice to exercise the option and NLC fixed the price at £5.3m. NLC required payment of that sum within 28 days in exchange for a marketable title, failing which NLC would rescind the option contract. MLLD did not comply with these conditions and NLC served notice to rescind the contract.

Point of dispute: Whether NLC's appeal would be allowed against the decision of the court below that on the proper construction of the option contract MLLD could buy the land for a price to be fixed on the basis of its full market value as agricultural land or open space suitable for a golf course and disregarding the potential for other forms of development.

Held: NLC's appeal was allowed. The court had to have regard to the ordinary meaning of the words "full market value" and any considerations that might be relevant to market value could not be ignored, unless there were express directions to that effect in the option agreement. There were no indications that the parties had intended to disregard all possible uses, apart from agriculture and open space, that might become possible within the 50-year time-frame of the lease. This did not mean that the land should be valued as being immediately ready for residential development, but MLLD's appeal failed because it was arguing the case on the basis that the land was to be valued solely as agricultural land or open space suitable for development as a golf course, not that £5.3m was an excessive price for it.

Planning

03

Court of Appeal

Appeal against enforcement notice

***** R (ON THE APPLICATION OF PERRETT) V SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT (2010) 01 EG 71(CS) – Decision given 18.12.09

Facts: P owned a former dairy farm which had been divided up into a number of units, now used for various non-agricultural purposes. The LPA granted lawful use certificates and planning permissions for some of those uses and enforcement notices requiring cessation of others. P appealed against nine of the notices, relying on s174(2)(a) and (d) of the Town and Country Planning Act 1990. The inspector appointed by the Sec of State allowed two of the appeals and dismissed the remainder. P appealed to the High Court under s289 of the 1990 Act. This appeal was disposed of by a consent order, which provided for a rehearing of the s174(2)(a) issue, as it was conceded by the Sec of State that this had been dealt with incorrectly. P wanted to inspector to hold a full rehearing on all the issues, but the inspector decided to limit the rehearing of the appeal to the s174(2)(a) issue on which P had succeeded in the s289 appeal.

Point of dispute: Whether P's appeal should be allowed against the High Court decision to refuse P's application for judicial review of the inspector's decision. P argued that when a matter was remitted for redetermination following a successful appeal under s289 the Sec of State should reconsider the entire enforcement notice appeal, including grounds that had not been the subject of the s289 appeal.

Held: P's appeal was dismissed. The Sec of State had discretion as to how an enforcement notice appeal would be reheard following a successful appeal under s289 and was not obliged to reconsider all the issues. Where the court considered that a decision appealed against under s289 was wrong on a point of law it would not set aside or vary that decision but would remit the matter to the Sec of State for rehearing and determination in accordance with the opinion of the court; this was different to the s288 position where the court would normally quash a decision of the Sec of State if it were satisfied that it did not fall within the powers of the 1990 Act. The scope of the s289 rehearing was within the discretion of the Sec of State and was not dictated by any statute or rules.

04

Administrative Court

Mandatory Injunction – Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

***** R (ON THE APPLICATION OF BAKER) V BATH AND NORTH EAST SOMERSET COUNCIL (2009) PLSCS 348 – Decision given 15.12.09

Facts: X operated a waste-composting site pursuant to planning permissions granted by BNESC in 1999 and 2003 and a waste-management licence from the Environment Agency. Further permissions issued in 2005 were quashed in judicial review proceedings brought by B on the grounds of BNESC's failure to carry out a screening opinion in respect of the development pursuant to the 1999 Regulations. The use of the site continued, but BNESC did not take enforcement action, instead issuing screening opinions to the effect that the majority of the 2005 planning applications did not involve EIA development. In further judicial review proceedings brought by B, BNESC conceded that those screening opinions should be quashed on the grounds that they had not been properly authorised under their scheme of delegation.

Point of dispute: Whether to allow B's claim that a mandatory injunction should be granted requiring BNESC to take enforcement action against X. BNESC argued that it was not a clear EIA development and that there was a real possibility that they would grant planning permission in the near future, once properly authorised screening opinions had been obtained. It also argued that breaches of the waste-management control licence were outside the planning control regime and could not be the subject of an enforcement notice.

Held: The claim was allowed in part. (i) An order quashing the negative screening opinions was granted by consent. (ii) On the facts of the case it was not appropriate to grant a mandatory injunction as this could not be justified on the ground that EIA development was involved since this was not proven. Most of the regulatory breaches complained of by B fell outside the planning system. The delay in reaching a screening opinion did not in itself justify making a mandatory order against BNESC requiring them to issue an enforcement notice as it was likely that new screening opinions would be issued without delay and the planning situation resolved.

05

Administrative Court

Polytunnels – Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 – "projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes"

***** R (ON THE APPLICATION OF WYE VALLEY ACTION ASSOCIATION LTD) V HEREFORDSHIRE COUNCIL [2010] All ER (D) (Jan) – Decision given 18.12.09

Facts: X, who ran a soft fruit farm in an AONB, applied for permission to use polytunnels on some parts of the farm. A screening opinion adopted by HC concluded that an EIA for the development was not required and HC granted planning consent for the development. HC's view was that the application did not fall within Schedule 2 to the 1999 Regulations which covered "projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes".

Point of dispute: Whether WVAAL's application for judicial review of the decision to grant planning consent would be allowed. The issue was whether HC was correct to hold that the development was not Schedule 2 development. WVAAL argued that the screening opinion was unlawful on the ground that the meaning of the term "semi-natural" in Schedule 2 had not been properly construed.

Held: The application was allowed. As a matter of law the land in question was a semi-natural area: it was within an AONB, and within it were a number of sites of high quality natural environment of the kind required for an area to be "semi-natural". HC had erred in concluding that the polytunnel development was not within Schedule 2 of the 1999 Regulations. An environmental assessment should have been undertaken and the decision to grant planning consent would be quashed.

06

CLG Study

Garden developments: understanding the issues – An investigation into residential development on gardens in England

This study considers the scale of back garden developments in a national context and whether local planning authorities perceive it to be a significant factor in their plans for housing provision. It also explores whether the legislative planning framework, including both local and central government policies, offers a sufficiently robust system to ensure that local determinations of applications for garden land development are based on appropriate planning arguments, meet local needs and support agreed housing targets.

The project's specific objectives are:

- to determine the quantum and type of development of back gardens over a five-year period from 01.04.03 to 31.03.08 and to assess the geographical spread of such developments;
- to establish the contribution that back garden development makes to housing supply provision; and
- to assess the effectiveness of PPS 3 which sets out the national guidance in relation to determining such applications and the existence or otherwise of local policies to support interpretation of PPS 3.

Among the study's many findings, the following are noteworthy:

- There was found to be no universally agreed definition of garden land: whilst some authorities identify it as brownfield others do not; some authorities include it in their strategic land availability assessments but others do not and few of the respondents stated that they have specific policies on garden development.
- Just over one third of respondents considered garden development to be an issue of national concern, but the situation varies widely across the country with greatest concern being expressed in the south east.
- It is of greatest concern to LPAs where there are high development pressures and few windfall sites.
- Garden developments make the highest contribution to housing stock in the south east.
- The main policy to which LPAs refer when considering garden site applications is PPS 3. The majority of LPAs considered that it did not help them conserve gardens, expressing the view that the criteria for decision-making in PPS 3 favour increased density over other criteria and that the presumption in favour of brownfield development was used by developers to gain acceptance for their proposals.
- The matter of back garden development is perceived as to be politically sensitive.
- The overall conclusion reached is that garden development is not a national problem. It is much more of an issue for LPAs in the London area, the South East and the West Midlands with the South East reporting the highest levels of significance. It forms an essential part of housing land supply in high value, highly affluent, low density neighbourhoods.

http://www.communities.gov.uk/documents/planningandbuilding/pdf/gardendevelopments.pdf

07

CLG Letter to Chief Planning Officers

Development on Garden Land

This letter, dated 19.01.10, advises officers of a Ministerial statement issued on 19.01.10 that outlines the Government's response to the findings of the research outlined at item 06 above.

- The advice in PPS 3 is to be clarified. Paragraph 41, which explains that brownfield land is the priority for development, will also now state: "*there is no presumption that previously developed land is necessarily suitable nor that all of the curtilage should be developed*".
- Local authorities should develop their own policies and take decisions on the most suitable locations for housing, and they can, if appropriate, resist development on existing gardens.
- The Government is committed to collecting better data on the amount of development taking place on garden land. It is currently working with Ordnance Survey to see how the previously residential category in the Land Use Change Statistics could be amended to capture this information.

The letter includes an Annex with comments on how specific policies might be developed.
http://www.communities.gov.uk/documents/planningandbuilding/pdf/letterreviewgarden.pdf

Rating

08

Lands Tribunal

Valuation of large warehouse

***** JAMES EDWARD ALLEN (VO) V FREEMANS PLC
RA/2/2007 – Before A J Trott FRICS – Decision given 07.12.09

Property: A large distribution depot outside Peterborough, purpose built for F in 1968 with extensions added in 1981 and 1991.

Issue: Whether, as determined by the VT, the initial rent of £850,000 per annum, set in November 2003 following the surrender of a long ground lease issued in 1972 and grant of a new lease on modern terms, was an accurate representation of rental value.

Held: Having reviewed the 2003 negotiations leading to the surrender and renewal, the Lands Tribunal was satisfied that neither party at the time viewed the new lease as representing the open market rental value of the land and buildings. Having regard to comparable rents and assessments the Lands Tribunal determined a Rateable Value of £1.675m from 01.04.2005.
http://www.landstribunal.gov.uk/judgmentfiles/j648/RA-2-2007.doc

Leasehold Reform

09

Court of Appeal

Leasehold enfranchisement – valuation of caretaker's flat

****** McHALE V CADOGAN
(2010) All ER (D) 128 (Jan) – Decision given 21.01.10

Facts: EC was the freeholder of a block of six flats, five of which were let on long underleases while the sixth was a caretaker's flat. M held the headlease of the block and was the qualifying tenant of the caretaker's flat, and the second appellant company was the nominee purchaser for the purpose of an application by qualifying tenants of three flats in the block to acquire the freehold under s24 of the Leasehold Reform and Urban Development Act 1993. The underlessees were required to pay a contribution to M's expenses and outgoings in respect of "the costs of employing a housekeeper and… the accommodation (if any) to be provided for such housekeeper" together with "the cost to the Lessor of outgoings for such accommodation (including loss of rack-rent thereon)". At first instance the Leasehold Valuation Tribunal (LVT) determined the enfranchisement price at £770,940 on the basis that: (i) the value of the participating tenants' interests, for the purpose of calculating the marriage value, was assessed on the assumption that there were no rights of collective enfranchisement or lease extension under the Act; and (ii) the lease value of the caretaker's flat was determined at nil on the grounds that under the terms of the headlease or underleases M had no power to charge a rent for the flat.

Point of dispute: Whether M's appeal would be allowed against the Lands Tribunal's decision, which upheld the LVT's decision and held that with regard to the caretaker's flat there could be no "loss of rack-rent" to which the underlessees could be required to contribute in a situation where M was required by the terms of the headlease to provide a "housekeeper's" flat rent-free.

Held: Point (i) was adjourned for a separate hearing. M's appeal was allowed on point (ii). In the case of these underleases the loss of rack-rent on the caretaker's flat was specifically defined to fall within "the cost of outgoings for such accommodation". The headlease should be valued on the basis that M was entitled to be compensated in the service charge for the loss of rack-rent on the caretaker's flat.

Real Property

10

High Court

Specific Performance of rescinded contract for sale of property subject to grant of a leaseback arrangement

****** WESTVILLA PROPERTIES LTD V DOW PROPERTIES LTD
(2010) PLSCS 19 – Decision given 15.01.10

Facts: WP put a freehold property up for sale in an auction. On completion the purchaser was to grant a 999-year lease of the upper parts of the building back to WP at a peppercorn rent. The draft lease attached to the contract mistakenly contained two errors: it omitted the lease plans and the service charge percentage. DP did not buy the property at the auction, but later delivered a signed contract and deposit cheque to the auctioneers. DP had not received an auction pack prior to the auction but this was available for inspection at the auctioneers' offices and included the missing lease plans. DP did not inspect the pack before the contract was executed and only realised afterwards the unusual terms of the draft lease in that it required the lessor to pay a service charge to the lessee, who would be responsible for maintaining the building. DP stopped its deposit cheque and purported to rescind the contract on 12.06.08 as completion had not taken place in accordance with its notice to complete issued on 28.05.08.

Point of dispute: Whether WP should be granted specific performance of the sale contract. The issues which arose were whether: (i) the absence of the plans in the draft intended lease or the blank service charge percentage made the contract void for uncertainty; and (ii) the defendant had validly rescinded the contract.

Held: The claim was allowed. (i) The contract was not void for uncertainty as a result either of the omission of the plans or a service charge percentage from the draft lease. A court would hold that an agreement was void for uncertainty only as a last resort; the test was what a reasonable person, having all the knowledge and background of the parties in question, would have understood the language of the contract to mean. There was need for certainty in the identification of property – in this case the verbal definition of the premises demised in the intended lease was not clear and it was therefore appropriate to construe the contract as though the plans were included in the intended lease attached to the contract. The defendant's representative was experienced in property matters and would have known that there would be plans in the auction pack. Regarding the service charge error, the only reasonable conclusion was that the parties had intended the lessor to pass on to the lessee the 36% landlord's share of service charges. (ii) The defendant had not been ready, willing and able to complete the contract after service of its notice to complete on 28.5.08.

Tort

11

Court of Appeal

Abuse of Process

****** LAND SECURITIES PLC V FLADGATE
(2009) PLSCS 352 – Decision given 18.12.09

Facts: F occupied offices in London W1 facing a site (site A) which LS wanted to develop. F had concerns that LS's plans for the site, which would involve demolishing the existing building and replacing it with a ten-storey structure over a three-year period, would adversely affect its turnover and the marketability and value of its existing lease. It formulated objections to LS's planning application based on the LPA's proposal to waive the normal requirement for 30% affordable housing on site A by crediting LS with over-provision on another site (site B). When F applied for judicial review of the grant of planning permission for site B, LS submitted new planning applications proposing a payment to the lpa's affordable housing fund which were granted. F withdrew its application for judicial review in respect of site B and obtained permission to apply for judicial review in respect of site A. LS made a claim for £17m damages against F on the ground that F's objections and judicial review claims were an abuse of process.

Point of dispute: Whether LS's appeal would be allowed against the High Court's ruling that although a tort of abuse of process did exist, judgment would be granted to F as the court found no such abuse had been established on the facts.

Held: LS's appeal was dismissed. There was no basis for extending a tort of abuse of process to F's judicial review proceedings. Tort of abuse of process had only been invoked in cases involving a blatant misuse of the process of arrest and execution within existing proceedings, with compulsion by arrest and imprisonment being used to achieve a collateral advantage. There was a public interest in bringing judicial scrutiny and remedies to bear on improper acts and decisions of public bodies – the permission stage of judicial review was intended to weed out claims which had little prospect of success.

Housing

12

CLG Statistical Release

House Price Index – November 2009

- UK house prices were 0.6% higher than in November 2008 and 1.7% higher than in October 2009 (seasonally adjusted).
- The mix-adjusted average house price in the UK stood at £200,454 in November 2009 (not seasonally adjusted).
- UK house prices rose by 3.5% in the quarter ending November 2009. This compares with a smaller rise of 2.6% for the quarter ended August 2009 (seasonally adjusted).
- Annual average house prices rose by 0.6% in England, by 2.4% in Scotland and by 2.2% in Wales. They fell by 11.6% in Northern Ireland.
- Annual average house prices paid by first time buyers in November 2009 were 3.9% higher than a year ago. By comparison average house prices paid by former owner occupiers were 0.7% lower.
- Annual average house prices paid for new properties in November 2009 were 0.4% higher than a year ago and average house prices paid on pre-owned dwellings were 0.7% higher.

http://www.communities.gov.uk/documents/statistics/pdf/1429468.pdf

13

Homes and Communities Agency (HCA) Statistical Publication

Monthly Housing Market Bulletin – 22.12.09

This bulletin provides HCA staff with the latest information on housing market trends, the economy and the housebuilding industry.

- According to the Halifax, house prices continued to rise in November last year and are now 8.5% higher than at their lowest point in April.
- Mortgage lending has risen by 43% over the last year, but is still at half its pre credit crisis levels.
- The Land Registry has recorded an 11% increase in the number of properties sold in England and Wales over the last year.
- The Bank of England's bank rate is still at a record low of 0.5%.
- The house price to earnings ratio remained above its long-run average of 4.0 at 4.68 in November, according to Halifax, despite the economy being in recession.
- GDP has fallen by 5.1% over the past year.
- Unemployment stands at at 7.9%.

http://www.homesandcommunities.co.uk/public/documents/Monthly-Housing-Bulletin-Dec-2009.pdf

General

14

CLG Consultation

Sustainable New Homes: The Road to Zero Carbon: Consultation on the Code for Sustainable Homes and the Energy Efficiency standard for Zero Carbon Homes
Deadline for Responses: 24.03.10

This consultation aims to seek agreement to changes to the Code for Sustainable Homes in 2010 in order to align it with changes to Part L of the Building Regulations – the most significant changes are therefore within the energy section of the Code. It also seeks views on the energy efficiency definition to be incorporated into the definition of zero carbon homes from 2016 and whether that should be introduced into the Building Regulations from 2013.
http://www.communities.gov.uk/documents/planningandbuilding/pdf/1415525.pdf

15

British Council of Offices Report

The Role of Property in Recessionary Cycles

The aim of this report is to help organisations, and particularly small ones, to understand property issues. It is concerned with how important property matters are perceived to be, and in particular whether their importance has changed during the recent economic downturn. 29 consultations with large occupiers of office property were undertaken to consider the measures they are taking to improve efficiency and to control portfolio costs. These organisations appear to be taking action in two areas:

- Strategic, with a longer timescale; and
- Operational, which can have immediate effect.

"Typical" scenarios with "typical occupiers" were developed for the purpose of the report and the options for their property choices considered, resulting in the compilation of a checklist of things that occupiers should consider doing in the long and short terms.
http://www.bco.org.uk/uploaded/President_report_final_inc_foreword.pdf

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Evebrief has been established for more than 30 years. It is a summary of the latest statutory and legal cases affecting the property industry and is widely regarded in the industry as the most comprehensive document of its type.

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www.hmso.gov.uk
www.egi.co.uk
focus.focusnet.co.uk
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.

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Legal & Parliamentary

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evebrief

WALES

Planning

01

Statutory Instrument

WSI 2009/3342 The Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009

Schedule 2 to the Planning and Compensation Act 1991 and Schedules 13 and 14 of the Environment Act 1995 establish a mandatory procedure for reviewing the conditions to which old mineral planning permissions are to be subject. Applications for reviews are made to relevant mineral planning authorities ("ROMP applications") and may be the subject of a referral or appeal to the Welsh Ministers. These Regulations, which came into force on 08.01.10, implement in relation to Wales, Council Directive 85/337/EEC (on the assessment of the effects of certain public and private projects on the environment) in relation to undetermined ROMP applications, being those which were submitted before 15.11.00 and which will be determined by a relevant mineral planning authority or the Welsh Ministers on or after 08.01.10.
http://www.opsi.gov.uk/legislation/wales/wsi2009/pdf/wsi_20093342_en.pdf

NORTHERN IRELAND

Rating

02

Statutory Instrument

SRNI 2010/4 Rates (Small Business Hereditament Relief) Regulations (Northern Ireland) 2010

These Regulations, which come into force on 01.04.10, provide for rate relief in respect of certain small business hereditaments for any financial year ending before 01.04.15. There are special provisions for hereditaments which are used in whole or in part as a post office. Where rates are payable by the owner of a small business hereditament the reduction of rates is conditional on the owner applying amount of the reduction for the benefit of the occupier.

http://www.opsi.gov.uk/sr/sr2010/pdf/nisr_20100004_en.pdf

03

Statutory Instrument

SRNI 2010/3 The Rates (Regional Rates) Order (Northern Ireland) 2010

Dwelling houses, private garages and private storage premises have a rateable capital value, while those which are used partly for the purposes of a private dwelling have a rateable capital value and a rateable net annual value. All other hereditaments have a rateable net annual value.

This Order fixes the amounts of the regional rates for the year ending 31.03.11. The amount of the regional rate to be levied on the rateable net annual values of hereditaments is 30.69 pence in the pound, while the amount of the regional rate to be levied on the rateable capital values of hereditaments is 0.3608 pence in the pound.

http://www.opsi.gov.uk/sr/sr2010/pdf/nisr_20100003_en.pdf

Construction

04

Statutory Instrument

SRNI 2010/1 The Building (Amendment) Regulations (Northern Ireland) 2010

Wef 31.03.10 these Regulations amend the 2000 Regulations as follows:

- Amendment to Part D – The regulation to prevent disproportionate collapse now applies to all buildings, where previously it had applied only to buidings with five or more storeys.
- Part J has been replaced to allow for the provision of more waste containers and waste chutes.
- A new Table has been substituted for the Table in Schedule 4 (Structural loadings). There are also new Tables for Table D (Structure) and Table J (Solid waste in buildings). These new Tables recognise revisions to British Standards and, where appropriate, structural Eurocodes.

http://www.opsi.gov.uk/sr/sr2010/pdf/nisr_20100001_en.pdf

General

05

DOE Consultation

Public Consultation on Draft High Hedges Bill
Deadline for Comments: 01.03.10

There is currently no legislation in Northern Ireland governing the height or maintenance of a hedge. This Bill will provide redress for people whose lives are adversely affected by the presence of a high hedge on a neighbour's land. Under the proposed legislation a person who has taken all reasonable steps to resolve a hedge problem issue may, as a last resort, complain to their local council that the height of a hedge is adversely affecting the reasonable enjoyment of their domestic property. The complainant will have to provide evidence of having attempted to solve the problem through communication or mediation with the hedge owner.
Complaints will be adminstered by local councils who will adjudicate on whether the hedge is adversely affecting the complainant's reasonable enjoyment of their property.
http://www.doeni.gov.uk/high_hedges_2.htm