



Intelligent Transport
Planning Solutions





CALA HOMES - THE AFTERMATH

On 10 November 2010 the Cala Homes (South) Limited case (2010 EWHC 2866) was decided by the High Court. It was held that the revocation of Regional Spatial Strategies on 6 July 2010 by Eric Pickles, Secretary of State for Communities and Local Government, should be quashed. Therefore Regional Spatial Strategies are as they stood on 5 July 2010 and are an ongoing part of the development plan.

However, the Government still intends to abolish Regional Spatial Strategies in the proposed Decentralisation and Localism Bill, which is to be released imminently. An excerpt from the draft Bill, released with the recent Chief Planning Officer's letter, shows that the Bill seeks to abolish Part 5 of the Local Democracy, Economic Development and Construction Act 2009 and the Regional Spatial Strategies under Part 5.

The Chief Planning Officer has also reminded all Local Planning Authorities in England, in his letter released on the 10 November 2010, that the original intention to abolish Regional Spatial Strategies was first announced on 27 May 2010, in a letter sent by the Secretary of State to all Local Planning Authorities and the Planning Inspectorate. The letter had also stipulated that the Government's intention should be considered a "material consideration" in planning decisions.

The latest development is the submission of further Court proceedings by Cala seeking to challenge the above Government assertion, that the Government's intention to revoke Regional Spatial Strategies is a "material consideration" for Councils considering planning applications. It is difficult to see what Cala will ultimately achieve by this exercise. The whole planning system is clouded by uncertainty at this time and this in reality will

cause LPAs to delay and potentially refuse applications whilst they await some clear indication of how the Localism Bill will effect the system.

In the aftermath of the High Court's earlier ruling, the Planning Inspectorate has produced guidance for inspectors on identifying and handling case work involving Regional Spatial Strategies, covering appeals, call-ins and DPDs (See this link: http://www.planninginspectorate.gov.uk/pins/advice_for_insp/Cala_Homes.pdf). However it is not clear how developers will react before the new Bill obtains Royal Assent. There is also some uncertainty whether the intention to revoke Regional Spatial Strategies will survive the passage of the Bill through a coalition Parliament. It may ultimately be more advantageous for developers to focus now on lobbying and participating in the new Bills journey through Parliament to protect their interests.

If you are affected by the revocation of Regional Spatial Strategies, or you are unsure of your legal position, please contact:

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NEW ARRIVALS



Terry Dickson
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Terry Dickson joins our Property Group and has extensive experience advising on Landlord and Tenant issues for both Landlords and Tenants alike. Terry is retained by a number of large corporate clients exclusively to manage their property portfolios in England and Wales. In addition to this, Terry has specific expertise in site acquisition for developers and investors acquiring property through their pension funds. Terry enjoys acting for clients in both the sports and retail food sectors and has a lot of experience in these areas.



Gerard Whitehouse
Consultant, Property
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Gerard Whitehouse has also joined our Property Group bringing with him some 30 years of commercial property experience. Gerard acts for various residential developers dealing with site acquisition, infrastructure and planning agreements, site assembly and eventual plot sales. Gerard also has wide experience in the area of commercial leases of offices, shops and factories, with emphasis on restaurant, bar and fast food trades. His work covers the width and breadth of England and Wales.

STOP PRESS

RENEWABLE ENERGY ALMANAC EVENT - 19th January 2011

The event will be an innovative roundup of the key issues and opportunities that the renewable energy industry has faced in 2010 and what the industry is looking forward to (or not) in 2011.

It will be a lively event with a series of speakers giving their three key observations for 2010 and 2011 to stimulate debate and

raise awareness. We have about twelve speakers including:

Helen Taylor, Ecotricity Group Limited – Wind power

Keith Munday, MPC Limited – Solar projects

Philippa Roberts, Low and Behold – Anaerobic digestion, Project LeAD

David Donnelly, Mazars – Funding issues in renewable projects

Angela Podmore, Kinetic – Community engagement in renewable energy projects

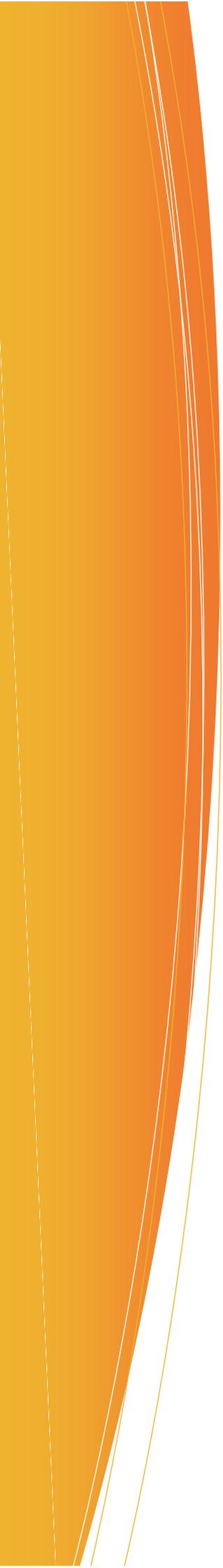
Ivan Rodriguez, URS – The key strategic energy issues arising from the planning regime

Martin Yardley, Coventry City Council – Local authorities approach to renewable energy and community projects.

The event will be hosted by Martineau at our Birmingham office, with registration from 4pm.

For more information or to book a place please email emma.tracey@martineau-uk.com





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