

Headlines

Making Space for Nature – the Lawton Review

This independent assessment, commissioned by Defra, of whether England's wildlife sites are capable of responding and adapting to climate change and other demands concludes that wildlife sites are generally too small and too isolated and, with climate change, the situation is likely to get worse.

Coalition Government plans: Community Right to Build and no Mansion Tax

Communities will be able to grant themselves planning permission under the proposed Community Right to Build if 75% of the community agree to a scheme; this has been reduced from 90%. Separately, the Government will not introduce a Mansion Tax as proposed in the Liberal Democrats' manifesto.

Single Farm Payments 5% lower due to poor Euro exchange rate

Single Farm Payments will be 5.4% lower compared with 2009 following the strengthening of the Pound.

Agriculture

NFU members' harvest survey: wheat harvest down on five-year average

The NFU has estimated English wheat production to be around 13.5 million tonnes, which is down 4.2%. Across Europe, the wheat harvest is expected to be 1.7% lower than in 2009.

CAP post-2013: More calls for Agricultural insurance and price stability

There are increasing demands to introduce a public insurance scheme to cover risks to crops and livestock from natural disasters and to reduce income instability, after MEPs supported a Europe-wide scheme.

Natural England clarification on Higher Level Stewardship

The current situation is that Natural England is still accepting HLS applications but, as it has almost spent its budget in some regions, may defer applications so that they start in the next financial year.

Nitrate Vulnerable Zone derogation

Farmers who wish to obtain a derogation to apply up to 250 kg of livestock nitrogen manure per hectare in 2011 have until 31 December 2010 to apply to the Environment Agency or the Whole Farm Approach website.

Scottish SPF rules to be tightened

The Scottish Government intends to tighten the rules on undergrazing to ensure that from 2011 only active farmers can claim Single Farm Payment (SFP).

Architecture & Building Surveying

Tighter environment standards in Building Regulations from 1 October 2010

Part L of the Building Regulations will be amended from 1 October 2010 to require 25% lower carbon dioxide (CO₂) emissions from new residential dwellings compared with the 2007 standards (30% lower in Scotland). This will contribute to the target of achieving net zero carbon for new housing by 2016.

Estate Management

More residential tenancies protected from 1 October

Properties let for more than £25,000 pa will become assured tenancies, mostly Assured Shorthold Tenancies, when the threshold for an assured tenancy rises to £100,000 per year in England from 1 October, and become subject to the same rules as other ASTs – including protection of deposits and notices to quit.

Scottish Government plans to reform Scottish agricultural tenancies

The Scottish Government is consulting on reforming agricultural tenancies, amending both the 1991 and 2003 acts. They want to give landlords and tenants more flexibility over tenancy length by allowing a Short Limited Duration Tenancy (currently limited to 5 year max term) to be converted into a Limited Duration Tenancy (which currently have a 15 year minimum term) if both parties agree. Click [here](#) to view consultation details.

General

Electronic Communications Code - the rights of operators to lay cables

The case of *Bridgewater Canal Company Limited v GEO Networks Limited (2010)* found that under the Electronic Communications Code operators of networks have to pay landowners for any actions that they take where they receive something of value. GEO had to pay a 'fair and reasonable price' to lay an additional cable in an existing duct and also pay for the right to keep the cable running through the duct.

Transfer of private sewers to statutory water company ownership

Defra has issued draft regulations for [consultation](#) on the transfer of ownership of private sewers and lateral drains to statutory water and sewerage companies, following a series of consultations starting in 2003. If approved, the regulations will come into effect in April 2011 and the ownership transferred on 1 October 2011. Owners do not have to do anything to make the transfer happen but can appeal against the decision if they wish to retain ownership. There are also a number of exclusions.

Local authorities to be given new borrowing powers

Local authorities will be able to borrow against the extra business rates generated by new developments to help pay for new infrastructure or other capital projects, a concept known as Tax Increment Financing.

Council Tax

The Government will not carry out a council tax revaluation in England during the lifetime of this Parliament.

Planning & Development

Changes to extending outline planning permissions

A change in planning law will allow developers to apply to extend the later phases of partially implemented outline planning consents.

Property Agency

Residential market update

- Mortgage lending fell to a 16 month low in August prompting fears of a double-dip recession (British Bankers' Association)

UK house prices	% change in September	% change in last 12 months
Nationwide	0.1%	3.1%
N.B. It should be noted that these indices only measure sales linked to mortgages, which account for @75% of all sales.		

Woodland & Arboriculture

Tree Preservation Orders

The Government is [consulting](#) on proposals to streamline TPOs.

And finally...

Carrier Pigeons beat Broadband

Carrier Pigeons carrying a 300mb video on USB sticks took 75 minutes to fly 75 miles from a Yorkshire farm to Skegness, Lincolnshire, beating a broadband download which was only 24% complete when the birds arrived.

Whilst every effort has been made to ensure the accuracy of this briefing, its information may not be comprehensive and recipients should not act upon it without seeking full professional advice.

If you have queries regarding any of the articles, please contact

jason.beedell@smithsgore.co.uk (01733 866562) or andrew.teanby@smithsgore.co.uk (01733 866565)