

## CALA lawyers launch fresh legal challenge

Domenic Donatantonio, Planning, 19 November 2010

**The lawyers behind the successful legal challenge to the scrapping of regional strategies (RS) have commenced proceedings against the government's insistence that the ruling changes little.**

Mr Justice Sales ruled in the High Court last week that CALA Homes has been successful in its challenge to overturn the revocation of the RSs, saying that primary legislation should have been introduced.

On taking office in May, communities secretary Eric Pickles wrote to local authorities to announce his intention to rapidly abolish RSs and instructing them to start devising their own housing targets.

Despite last week's judgment, DCLG chief planner Steve Quartermain wrote to councils and the Planning Inspectorate insisting that they have regard to this material consideration in any decisions. The government also confirmed that RS abolition will feature in the decentralisation and localism bill.

But now CALA's legal advisers Macfarlanes is challenging Quartermain's letter. "CALA successfully sought judicial review of the secretary of state's unlawful revocation of regional strategies to restore clarity to the planning system," said head of planning Ian Ginbey.

"Regrettably, the government's response is that it changes little and that regard should still be had to its intention to abolish regional strategies. This has again given rise to confusion and we are seeking a court declaration that its intention to revoke RSs is not a material consideration."

He added: "We are also seeking that the letter from Quartermain be withdrawn pending final determination of the claim or a stay of their effect until that time."

Law firm TLT's head of planning and environment Katherine Evans agreed that abolition of RSs could take time: "Unless the government provides transitional measures there will continue to be huge uncertainty."