



**Kerslake: development role  
Some agency  
lead secured**

Bob Kerslake will be the first chief executive of the new Homes and Communities Agency, the government has revealed. He takes up the post in March.

He will oversee the agency's development and implementation, taking full control when it becomes operational on 1 April 2009. It will continue the work of English Partnerships, the Housing Corporation and the delivery functions of the DCLG.

Kerslake, currently chief executive at Sheffield City Council, said: "I am delighted to be taking on this challenging and demanding post, which is at the centre of the government's agenda."

English Partnerships chief executive John Walker said that the appointment is good news. "We have had a long close working relationship with Bob Kerslake during his ten years at Sheffield," he added.

# Region hits dispute on protected sites

By Catherine Early

Growth in the East of England will damage European protected sites, environmental campaigners have claimed.

A study commissioned by Friends of the Earth said significant impact on key nature conservation sites is likely despite the government's changes to the regional spatial strategy (RSS).

The RSS was reassessed in the light of the EU habitats directive (*Planning*, 26 October 2007, p2).

Problems with water supplies, waste water treatment, recreational disturbance and air pollution are highlighted in the study by sustainability consultancy Levett-Therivel partner Riki Therivel.

Special areas of conservation, special protection areas and Ramsar sites in Breckland, the Ouse Washes and the Lea Valley are particularly at risk, it found.

Under European regulations, authorities must show that there are no alternatives



**Ouse Washes: study reveals pressure on water supply**

to a plan that would harm protected sites or that it can be justified by overriding public interest.

There could be grounds for a judicial review if the sites are not properly protected, Therivel warned. But development could be permitted if it results in no net increase in mains water consumption, sewerage or traffic, she conceded.

The Royal Society for the Protection of Birds (RSPB) and campaign group Stop Harlow North called for the government to look at alternative locations for growth.

It needs to do more than pay lip service to the directive, said RSPB regional conservation manager John Sharpe. A government spokeswoman insisted that the RSS complies with the directive.

## Appeal court removes doubts on terminal approval process

By Vicki Shiel

Neath Port Talbot County Borough Council said its planning process has been vindicated after the Court of Appeal backed its decision on a gas pipeline terminal.

The judges reversed last year's High Court ruling in which Mr Justice Collins overturned planning and hazardous substance consents granted by the council for the National Grid development at Cilfrew (*Planning*, 6 April 2007, p5).

The basis for the initial ruling was that officers had given "clearly wrong" advice to four councillors, leading them to abstain from a planning committee vote.

The scheme, which will handle liquefied natural gas from Milford Haven, gained



**Milford Haven: gas supplies depend on pipeline terminal**

permission by a majority of 13 to 12 in September 2006.

But the Court of Appeal said the officers' advice was correct and the councillors were free to make up their minds whether to vote.

Council leader Derek Vaughan said: "The sugges-

tion that incorrect advice led to a faulty planning consent being granted has been emphatically disproved."

Lord Justice Mummery said the appeal was academic as the council has since issued amended consents and development has begun.

## Golf parties questioned

Scottish Government ministers and civil servants face questions from MSPs this month over their role in the Trump golf resort affair.

Finance secretary John Swinney, who will decide the £1 billion proposal for the Menie Estate north of Aberdeen, will also be called to a meeting of Holyrood's local government and communities committee expected to take place on 16 January.

Conservative MSP David McLetchie faced no opposition last month when he proposed that the committee hold an inquiry into the matter. Chief planner Jim Mackinnon, planning minister Stewart Stevenson and first minister Alex Salmond are all to be questioned.

Ministers decided to call in the application (*Planning*, 7 December 2007, p3) after it was narrowly rejected by Aberdeenshire Council.

It has now emerged that Trump Organisation advisers were present when Mackinnon began a phone call to the council to discuss the application's progress last month. In a statement before Christmas, Swinney stressed that they left the room for the duration of the call.

Mackinnon's call-in recommendation was made after the Trump team left the building, Swinney insisted. The case would ultimately have been considered by ministers anyway through referral, appeal or call-in, he said.

Scottish Government permanent secretary Sir John Elvidge has told ministers that he is satisfied that civil servants have not acted improperly in their consideration of the case. Swinney will decide the scheme in place of Stevenson, who represents an Aberdeenshire constituency.



**Swinney: decision maker**