



# BIRMINGHAM PLANNING PRACTICE

## INTRODUCTION

DLA Piper is a genuinely global law firm with representation in over 30 countries. With one of the largest real estate groups in the world the firm has a planning resource that is second to none. The firm's network of offices (uniquely in both England and Scotland) means that its Planning Practice is one of the largest in the UK. The Birmingham Planning Practice is an integral part of the firm's UK planning capability serving clients throughout the Midlands and further afield.

## BIRMINGHAM PLANNING PRACTICE

The Birmingham Planning Practice provides advice on a range of planning issues including:

- Development Agreements, particularly S106 Town and Country Planning Act 1990 and S278 Highways Act 1980
- Enforcement
- High court, including judicial review
- Infrastructure projects (including light rail)
- Minerals and waste

- Energy (including renewable energy)
- Town centre redevelopment
- Regeneration schemes

## COMPLEX LEGAL FRAMEWORK

The legal framework of town and country planning in the UK is a complex and continually evolving area of law. The Birmingham Planning Practice, because of its specialised expertise, keeps abreast of all changes in the law as they occur, enabling it to keep its clients fully up to date and to work to apply that expertise in a practical way to planning problems.

## SPECIALIST LAWYERS

The Birmingham Planning Practice currently comprises Peter Taylor, David Brammer and Amy Koller. Their experience enables them to provide specialist advice tailored to provide practical solutions and meet commercial objectives.

Highly focused and cost effective advice, designed to match client needs is provided; whether it be assisting with S106 Agreements, planning enforcement, solving highway problems, or promoting or opposing compulsory purchase orders.

Because planning requires local knowledge, the firm maintains representation in all the main commercial centres giving it an immediate advantage over firms with only single location coverage. This also means that a wide variety of expertise can also be drawn in from other offices.



## PLANNING APPLICATIONS, APPEALS AND JUDICIAL REVIEW

Situations do arise where developers will wish to challenge a local authority decision by way of appeal. The Birmingham Planning Practice is experienced in co-ordinating teams of expert witnesses and supervising the drafting of evidence to ensure that appeals and public inquiries are conducted appropriately. Thoroughness and rigour are the keys to success in a planning appeal.

The Birmingham Planning Practice also has a wealth of experience in bringing and defending judicial review proceedings having been involved in a number of reported cases in recent years.

## ADVOCACY AND THE BAR

A number of the members of the Planning Practice are experienced inquiry advocates providing a very cost effective "one stop shop" in suitable cases.

For major inquiries and High Court proceedings we will generally instruct members of the bar and have built up an excellent relationship with barristers and clerks in the leading planning chambers.

## PLANNING AGREEMENTS

Planning authorities not only control development through planning conditions, but also seek to secure tangible public benefits, or "planning gain", as part of a project. The Birmingham Planning Practice are highly experienced in drafting and negotiating S106 agreements to cover amongst other obligations:

- Highway improvements
- Affordable housing
- Public open space
- Contributions to education and health provision
- Travel plans
- Leisure facilities

## ENVIRONMENTAL IMPACT ASSESSMENT

Ensuring compliance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 is an increasingly important part of the work carried out by the Birmingham Planning Practice. The firm has considerable experience in advising on Environmental Impact Assessment ("EIA") and the preparation of environmental statements. The Birmingham Planning Practice offers an EIA audit service to advise on where an EIA is required and whether existing environmental statements comply with the regulations.

## ENFORCEMENT

Where appropriate we will negotiate with developers on behalf of authorities to reach a suitable settlement. In other cases, we can represent authorities at Public Inquiries in the Magistrates' Courts or the Higher Courts.

## COMPULSORY PURCHASE ORDERS AND COMPENSATION

Land assembly is often the key to much needed regeneration, and compulsory purchase powers are a vital development tool. Increasingly, local authorities and other bodies are using their compulsory purchase powers to assist large developers in the regeneration of town and city centres.

This area of the law is extremely complicated, and we offer clients practical advice at all stages of the process.

We advise on the legal aspects of compulsory purchase compensation and represent clients at the Land Tribunal.

We also have experience of advising public bodies on the making of Compulsory Purchase Orders, and following the procedures through to achieve successful confirmation of Orders.

## Highways

We can provide specialist advice on issues surrounding highways, and in particular, on Section 38 and Section 278 of the Highways Act 1980 relating to the construction and adoption of new roads, and on stopping-up and diversion orders. The Birmingham Planning Practice has worked on a large number of these for clients and can advise on the most efficient and cost effective methods.

The Birmingham Planning Practice is experienced in the procedures to secure the stopping up and diversion of highways to facilitate development and where necessary will pursue through public inquiry.

Where clients have more specific problems which involve roads, footpaths and bridleways, we work to resolve these complicated issues. The Birmingham Planning Practice has wide experience in all areas of highway law including the removal of rights of way from the Definitive Map, and will work to achieve practical solutions.

## PLANNING AND DEVELOPMENT COMMUNICATIONS

The Birmingham Planning Practice fully understands that planning is not simply a legal process but also engages with the political process at local, regional and national level. To reflect this, in partnership with Global Government Relations, the firm's strategic communications and public affairs arm, the Birmingham Planning Practice offers a range of services which include:

- Detailed political research and analysis
- Strategic advice
- Communicating with politicians
- Selling proposals to local communities
- Media relations

## PLANNING TRAINING

Members of the Birmingham Planning Practice regularly speak to a wide range of audiences at seminars and conferences around the country. The Birmingham Planning Practice also offers bespoke training to a number of clients.

## PLANNING LAW IN PRACTICE

Town and country planning law affects many areas of our lives, and the Birmingham Planning Practice can offer support, advice and opinion on a wide range of issues.

In addition to the areas already outlined, the Birmingham Planning Practice can also advise on:

- Listed Buildings and Conservation Areas
- Urban Regeneration
- Green Belt
- Tree Preservation Orders
- Advertisement Control and Regulations
- Contaminated land
- Transport & Works Act Orders
- Town and Village Greens
- Local Government practice and procedures in all these areas
- Human Rights Act

The Birmingham Planning Practice can work with clients in overcoming problems which arise from any of these areas, and if instructed early, can anticipate and prevent problems arising.



## CLIENTS

The Birmingham Planning Practice acts for a wide range of clients - from major PLCs to small businesses and individuals, central government departments to local authorities.

Our clients include:

- Local Authorities
- Banks and institutional investors
- Major retailers

- Leisure operators
- Minerals and mining companies
- House builders
- Major developers; and
- Public bodies

## PROJECTS

The major projects in which we have recently been involved include congestion charging, light rail, airport developments, renewable energy, education, health and leisure projects, regeneration schemes, projects under the Private Finance

Initiative a number of major city centre town centre redevelopments and major mixed use urban extensions.

## CROSS-JURISDICTIONAL PLANNING ADVICE

Through colleagues in offices in the UK, mainland Europe, the United States and the Far East the Birmingham Planning Practice is able to provide advice on the planning regimes in other jurisdictions.

## PLANNING PRODUCTS

The Planning Practice offers a number of planning "products" that can be tailored to individual client's requirements. These include:

- Planning appraisals
- Planning health checks
- EIA audit
- Inquiry advocacy
- Planning training

This bulletin is intended as a general overview and discussion of the subjects dealt with. It is not intended, and should not be used, as a substitute for taking legal advice in any specific situation. DLA Piper UK LLP will accept no responsibility for any actions taken or not taken on the basis of this publication. If you would like further advice, please contact Peter Taylor on 08700 111 111.

## CONTACTS

### Peter Taylor, Partner

Direct Line: +44 (0)121 262 5772  
 Fax: +44 (0)121 262 5795  
 Email: peter.taylor@dlapiper.com



### David Brammer, Associate

Direct Line: +44 (0)121 262 5695  
 Fax: +44 (0)121 262 5795  
 Email: david.brammer@dlapiper.com



### Amy Koller, Solicitor

Direct Line: +44 (0)121 262 5879  
 Fax: +44 (0)121 262 5795  
 Email: amy.koller@dlapiper.com



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UK switchboard: +44 (0) 8700 111 111

BIRDIP Ref: RE/Birmingham Planning Practice



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