



HORIZON SCANNER

RETIREMENT LIVING

JULY 2024

WELCOME

Welcome to Walker Morris' regular Retirement Living Horizon Scanner, which is intended to keep you abreast of key legal and regulatory developments.

If you have any questions or would like more information, please get in touch.



INDUSTRY NEWS

Knight Frank has published its [Healthcare Capital Markets Report 2024](#). It shows older people's care is a clear target for investors, highlighted by a growing trend for sale and leaseback transactions between them and operators; and that investors are opening up their strategies to operating platforms, not just real estate.

National Care Association published a [manifesto](#) document ahead of the election.

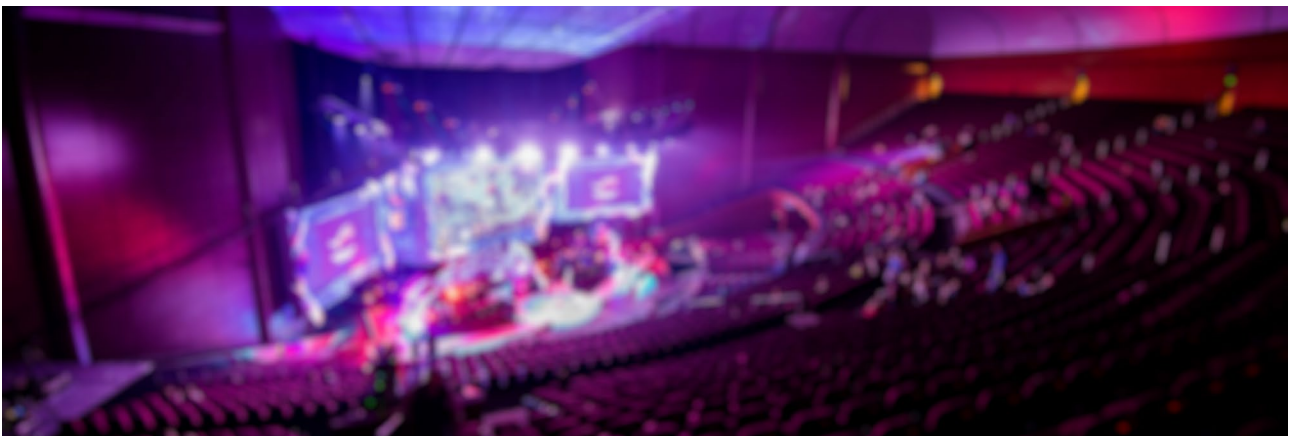
The Department for Health and Social Care is currently considering responses to its [consultation](#) on changes to regulation of the Care Quality Commission.

New [guidance](#) has been published by the Information Commissioner's Office to improve health and social care transparency.

NHS England has launched a £16m NHS workforce [wellbeing](#) programme.

Medical examiners are to scrutinise causes of death in a [revamp](#) of death certificates announced by the government. From 9 September, all deaths not investigated by a coroner will be considered by medical examiners, to provide greater protection and support for bereaved families.

The [Terrorism Protection of Premises Bill](#) (aka Martyn's Law) is expected to become law in 2024. Proposed in the wake of the Manchester Arena bombing, it aims to strengthen security measures in public venues across the UK. As well as concert halls, stadiums, and other crowded spaces, the implications of Martyn's Law will extend to other hospitality venues and events, hospitals, large care homes, and more.



PEOPLE

In a landmark ruling in [Secretary of State for Business and Trade v Mercer](#), the Supreme Court has held that workers are not protected against sanctions short of dismissal for taking part in strike action, and that that's incompatible with their human rights.

The Home Office introduced significant changes to the Skilled Worker sponsorship regime on 4 April 2024 as part of the government's wider drive to reduce net migration to the UK. See our [briefing](#) for details.

East Sussex County Council is conducting a [research project](#) to see if technology can boost the wellbeing of older people. The project includes installation

of an interactive digital games table, which uses light projections to enable residents to experience physical, social and cognitive activities; as well as virtual reality headsets which offer virtual day trips and experiences. The results of the project will help shape the Council's adult social care services and local public health commissioning decisions.

See our [briefing](#) on what Labour's election victory may mean for employers and our [video](#) on Labour's proposed employment reforms.

BUILD

Chancellor Rachel Reeves has [promised](#) to reintroduce mandatory housing targets and review Greenbelt boundaries, amongst other plans to “get Britain building again”. Ms Reeves has also announced that a consultation on amendments to the National Planning Policy Framework (NPPF) will be launched by the end of the month.

We’ve published [Planning for the future](#), which takes a look at the key planning related sections of the Labour manifesto and what we can expect in the next few years under the Labour Party.

The JCT Design and Build 2024 contract has now been [released](#), marking the first major update to the JCT Design and Build standard form since 2016. See our [briefing](#).

Colliers has published its [Residential Snapshot May 2024](#).

3D printing technology has been around for some time, but it could be the next big thing in construction. New [research](#) shows that 3D printing in the construction market is expected to grow at a CAGR of 90.1% during the forecast period of 2024 to 2032, propelled by technological advancements, cost efficiency, and sustainability. [Precedence Research](#) predicts that the 3D printing construction market will grow to \$519.49 billion by 2032. In real estate development, it’s being used for everything from pre-planning design and modelling to robotic arms and even ground-up concrete foundation and layer construction. In Lancashire, [Building For Humanity](#) is already constructing what’s set to be the biggest 3D-printed housing development in Europe.

A recent Scottish case ([Miller Homes Mossend appeal](#)) highlighted Scotland’s housing crisis and suggests there is unlikely to be any immediate solution to the shortage of available housing land. Following that, and Scotland’s May 2024 declaration of a [housing emergency](#), Scotland’s Chief Planner has published a [letter](#) which looks to provide further clarification on application of National Planning Framework 4 (NPF), including Policy 16 ‘Quality Homes’.

According to Property Week, Lambert Smith Hampton has reported that almost 13 million sq ft of office space (equivalent to around 20,000 2-bed flats) across the South East has been earmarked for residential conversion. The ‘flight to quality’ and sustainability drivers are leaving aging office stock increasingly redundant.

The Investment Property Forum has published a [report](#) on costing energy efficiency improvements in commercial buildings.

The British Property Federation (BPF) has [called](#) for action on Minimum Energy Efficiency Standards. Members of the Green Property Alliance, including the BPF, are calling for the government to provide details on energy performance certificate targets and timelines, and to clarify the rules around exemptions and enforcement.

A new RICS [Rights of Light Protocol](#) provides a process to help developers resolve potential rights to light issues quickly and cost effectively.

The Supreme Court has revisited the law of nuisance in the latest Japanese Knotweed case. In this [briefing](#),



we offer practical advice for landowners, occupiers and investors.

Even more recently in relation to nuisance, the Supreme Court's decision in [Manchester Ship Canal v United Utilities Water](#) is the latest example of the courts finding flexibility within the law to facilitate environmental protection. Against a backdrop of increased focus on the state of the UK's waterways, in finding that the canal owner can pursue a private nuisance claim against the statutory undertaker, the Supreme Court's decision could prompt claims against water companies and investment in improved water infrastructure. The case could potentially have implications for nuisance claims against other statutory undertakers. See our [briefing](#).

The Leasehold and Freehold Reform Act 2024 has been a long time coming. Our [briefing](#) highlights the 'need to know' for all those concerned with residential development, investment and management.

The Department for the Environment, Food and Rural Affairs (DEFRA) has [published](#) a list of a substantial number of waste water treatment works which it is requiring the relevant local water company to upgrade to meet nutrient pollution standards by April 2030. DEFRA has also stated that local planning authorities, in considering current and future planning applications, will be required to assume that these works will be completed on time and in full. This will avoid planning applications being refused due to questions regarding the local capacity for dealing with nutrient migration from new developments.

The Court of Appeal has [confirmed](#) the landmark High Court judgment in **C G Fry v Secretary of State for Levelling Up**, stating that government rules aiming to mitigate the impact of nutrient pollution on protected waterways do apply to the final discharge of planning conditions, as well as to earlier consenting stages.

New rules which reinstate an EU-legacy hedgerow cutting ban during bird breeding season (1 March – 31 August) have been laid in Parliament. If agreed, the regulations will come into force immediately, with the exception of buffer strip requirements which will only apply immediately where there is already a buffer strip in place. On land where there's currently no buffer strip, but which is not used for crop production, DEFRA has said the rules will apply from 1 July 2024. Where land is currently in use for crop production, the rules are set to apply from the end of the first harvest after the legislation comes into force.

As of 30 April 2024, the Levelling-up & Regeneration Act 2023 now allows bodies such as Homes England and councils using Compulsory Purchase Orders and looking to build, to apply to [remove 'hope value'](#) if development is in the public interest and is facilitating affordable or social housing, health or educational uses.

The Planning Inspectorate has published a [2024 Pre-application Prospectus](#), which sets out the details of the proposed new [NSIP](#) operational reform pre-application service. The Prospectus provides greater detail on: introduction of 3 pre-application tier options reflecting different levels of service that applicants may receive ahead of submitting an application; introduction of pre-application fees; and introduction of a 'Fast Track' procedure which will allow some applications to potentially receive a decision within 12 months. The Prospectus was published alongside an [FAQ paper](#), guidance on the [Fast Track](#) process, and updated guidance on the [pre-application stage](#).

The Loan Market Association (LMA) has published a guidance note on the Building Safety Act 2022 (BSA) and its real estate finance facility agreements. The note includes key points for consideration for bank and non-bank lenders, and their advisors, when using the LMA's template real estate finance facility documentation in circumstances where the BSA may apply.

Details of registered building inspectors and registered building control approvers in England and Wales can now be found by searching Building Safety Regulator's public registers:

- [Find a registered building inspector in England.](#)
- [Find a registered building control approver in England.](#)
- [Find a registered building inspector in Wales.](#)
- [Find a registered building control approver in Wales.](#)

The Court of Appeal has [dismissed](#) an appeal, brought by Redrow, against the Secretary of State's decision to award approx. £30m from the Building Safety Fund to pay for remedial works at 2 high rise developments in Birmingham, which Redrow, the developer, would be required to reimburse.

In an attempt to improve/streamline residential conveyancing, National Trading Standards updated its guidance on what 'material information' should be made available by a prospective seller on the listing of a property for sale. The Law Society then updated Form TA6 (which can be used to provide 'material information' to estate agents) and its guidance about how the Consumer Protection Regulations 2008 apply to residential conveyancing. Controversially, new Form TA6 and that guidance appear to suggest that sellers and their lawyers have a duty to disclose a wider range of information (including both latent and patent defects including physical ones), which creates a tension with the long-embedded principle 'caveat emptor' (buyer beware). It's currently unclear how this tension will be resolved. One to watch.

GENERAL

Corporate/corporate reporting

The Financial Conduct Authority's (FCA) anti-greenwashing rule comes into force in the UK on 31 May 2024. This is the first part of the FCA's [Sustainability Disclosure Requirements](#). For more information on greenwashing, see [here](#).

The government has published a [policy paper](#) on the framework and terms of reference for the development of UK Sustainability Reporting Standards, and an [update](#) on the government's wider work programme to develop a Sustainability Disclosure Requirements regime in the UK.

The deadline for the EU Commission to publish certain reporting standards under the EU Corporate Sustainability Reporting Directive (CSRD) has been [delayed](#) from 30 June 2024 to 30 June 2026. The CSRD, which came into force in January 2023, sets out disclosures for companies to include in their annual report in relation to sustainability matters. Even though the UK is not part of the EU, the CSRD will impact some UK incorporated companies.

The Department for Business and Trade (DBT) is [consulting](#) on exempting medium-sized companies from preparing a strategic report as part of their annual report and accounts. The consultation also seeks views on increasing the maximum number of employees that a company can have in order to be 'medium-sized' from not more than 250 to not more than 500 employees. It also gives details of other steps planned to streamline non-financial reporting.

The Institute of Directors has published a [consultation paper](#) on a code of conduct for directors. Responses are requested by 16 August 2024.

Commercial/general

Billed as the world's first comprehensive legal framework on AI, the landmark European Union AI Act has now been finalised. See our [briefing](#) [here](#).

The Competition Appeal Tribunal is commencing legal proceedings against Thames Water alleging it provided misleading information to regulatory bodies in relation to pollution incidents. With regulatory, legal and media heat on Thames Water, it's accusing Redrow, in turn, of negligence. Thames alleges the housebuilder damaged a sewer and is suing for £2.5m, plus £1m in interest, which is accruing at £492 a day.

The DBT is [consulting](#) on de-regulating the Commercial Agents Regulations, with a view to simplifying the legislative framework, reducing court time spent interpreting the regulations, and enabling businesses to contract more freely. The consultation is open until 1 August 2024.

Research ([Digital Noise Impact Report](#)) from employee experience platform, Unily, shows that nearly half of all employees are distracted at least once every 30 minutes, and almost a third report being distracted at least once every 15 minutes, by a workplace notification. That means employees working 8-hour days could be experiencing over 160 distractions from their workplace digital tools each week. It's impacting both employee wellbeing and productivity.

The King's Speech, delivered on 17 July 2024, outlined the new Labour government's legislative agenda. See our [briefing](#) for the "need to know" for UK businesses.





What's on your to-do list?

And what are you putting off?

Illuminate has guides, articles, and insights from your peers. It might just give you the knowledge or inspiration you need.

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