

CITY OF LONDON LAW SOCIETY
PLANNING AND ENVIRONMENTAL LAW COMMITTEE
MEETING HELD AT THE OFFICES OF SJ BERWIN LLP

ON FRIDAY, 5 DECEMBER 2008

Minutes

1. Attendances, Apologies for Absence and Notice of Substitutes

Members

Rupert Jones (Chair)	Weil, Gotshal & Manges
Sebastian Charles	K&L Gates LLP
Tony Curnow	Ashurst LLP
Duncan Field	S J Berwin LLP
Valerie Fogleman (Vice Chair)	Stevens & Bolton LLP
Michael Gallimore	Lovells LLP
Sarah Hanrahan	Winckworth Sherwood LLP
Robin Holmes	Travers Smith
Nigel Howarth	Clifford Chance LLP
Helen Hutton	Charles Russell LLP
Tony Kitson	CMS Cameron McKenna LLP
Matthew White	Herbert Smith LLP

Substitutions

Marcus Bate	Eversheds LLP
Doug Bryden	Macfarlanes LLP
Noel Doran	Taylor Wessing LLP
Michael Gill	Linklaters LLP
Karen Phull	Farrer & Co LLP

Apologies for Absence

Michael Cunliffe	Forsters
Paul Davies	Macfarlanes LLP
Brian Greenwood (Hon. Secretary)	Taylor Wessing LLP
Barry Jeeps	Stephenson Harwood
Richard Keczkas	Olswang
Robert Leeder	CLLS – Policy and Committee Co-ordinator
Pat Thomas	Farrer & Co. LLP
David Watkins	Linklaters LLP
Paul Winter	Eversheds LLP

2. Minutes of Last Meeting

The minutes were approved with the deletion of the word “with” in the phrase “under the authorship of Richard Keczkas, [with] Tony Kitson and Brian Greenwood” from the note in parenthesis at the end of item 3(d).

3. Matters arising

There were no matters arising that were not identified on the agenda for the meeting.

4. Chairman's Report

The Chairman advised that Richard Webber had left Field Fisher Waterhouse LLP.

The Chairman reported that he had attended on Monday 1st December 2005 the six-monthly meeting of the Chairs of the CLLS Specialist Committees. David McIntosh had provided an update of the activities of the local Law Society and, in particular, he had explained that the main committee was keen to build on the successful introduction of corporate membership. Mr. McIntosh had referred to a membership survey which had recently been conducted and to the work which its media advisers, Lehmann Communications had undertaken. The main committee would therefore like to emphasise further/better the activities of the specialist committees. Ronald Lehmann had confirmed that Lehmann Communications are available to assist the specialist committees in liaising with the press and promoting the work of the specialist committees. David McIntosh had stated that, as one of the results of the survey, the main committee would be wanting to make the membership more aware of what the specialist committees are doing.

The Chairman further reported that this Committee is one of the most pro-active of the Specialist Committees. For example, we had submitted three responses since the last meeting, all of which are on the CLLS website, namely:

- Consultation on Revised Waste Exemptions from Environmental Permitting
- Consultation on Planning for a Better London, and
- Proposed Changes to Planning Policy Statement 6: Planning for Town Centres.

Members discussed the potential for preparing responses to consultations in advance when members are aware that consultations will be issued. The Chairman asked members to email him, Brian Greenwood and Valerie Fogleman if they become aware of any proposed consultations on which the Committee should respond. He also suggested inviting civil servants to Committee meetings to discuss matters in their pipeline.

Michael Gallimore stated that the Department for Communities and Local Government provide a "what's in the pipeline" talk to the Law Society's Planning and Environment Committee once a year. It was agreed that the Committee should liaise with the DCLG regarding their planning work.

The Committee then discussed the reach of the Proceeds of Crime Act 2002 to planning in that a landowner who receives a fee for fly-posting at its property falls under the POC regime.

5. Consultation Responses

The Chairman invited members to notify him, Brian Greenwood or Valerie Fogleman if there were any consultations to which they considered that the Committee should respond.

6. Climate Change Act

Valerie Fogleman gave a summary of the Climate Change Act. It was agreed that she would write a brief draft summary of the Act to circulate to Committee members and that members could then add to the summary. It was also agreed that a group will be established to keep a watching brief on climate change legislation and that the group would report to the Committee on such legislation. There would be a standing item on the agenda for Committee meetings for such reports.

The Chairman stated that Nick Flynn from his firm would like to be involved and that Brian Greenwood would also be interested. Robin Holmes stated that Steven McNab from his firm would probably wish to be a member. The Chairman invited other members to let him, Brian Greenwood or Valerie Fogleman know if they would like to be a member of the group.

7. Planning Act

Tony Kitson reported on the Planning Act, in particular, the Infrastructure Planning Commission and procedural provisions of the Act. He considered that a consequence of the Act may well be direct action by activists and others. Michael Gallimore stated that Friends of the Earth had announced their intention to engage in direct action and to challenge projects judicially.

The Chair suggested discussing opposing views on the issue at the next Committee meeting. Tony Kitson and Duncan Field agreed to take this forward by preparing a draft paper to circulate on whether the Act would, as a practical matter, work in respect of major infrastructure projects.

Tony Kitson also expressed interest in joining a group to contact the person at CLG who was drafting regulations that were expected to be issued in Spring 2009. It was agreed that any others who would like to be a member of the group should let the Chairman, Brian Greenwood or Valerie Fogleman know.

8. Environmental Liability Directive

Valerie Fogleman gave a summary of the current status of the Government's transposition of the Environmental Liability Directive, namely, that Defra had stated on its website that it anticipated issuing regulations for England and Wales in December 2008.

9. Social and other Committee events

The Chairman suggested postponing this topic until the next Committee meeting when Brian Greenwood would be present.

10. Meeting Dates for 2009

The Chairman proposed the following dates for meetings in 2009 and asked members to let him know of any obvious clashes:

20 March

12 June

11 September

11 December

11. Date of Next Meeting

Friday, 20 March 2009 at the offices of Travers Smith.

VMF

Vice Chair