

**CITY OF LONDON LAW SOCIETY
PLANNING AND ENVIRONMENTAL LAW COMMITTEE**

MEETING HELD AT THE OFFICES OF WEIL, GOTSHAL & MANGES

ON FRIDAY, 2 MARCH 2012

Minutes

1 Attendances, Apologies for Absence and Notice of Substitutes

Members

Rupert Jones (Chair)	Weil, Gotshal & Manges
John Bowman	Field Fisher Waterhouse LLP
Sebastian Charles	K & L Gates LLP
Duncan Field	S J Berwin LLP
Robin Holmes	Farrer & Co LLP
Helen Hutton	Charles Russell LLP
Barry Jeeps	Stephenson Harwood
Romala Parish	Travers Smith LLP
Joshua Risso-Gill	Nabarro LLP
Pat Thomas	Pat Thomas Planning Law

Substitutions

Michael Green	Macfarlanes LLP
Ashley Damiral	CMS Cameron McKenna LLP
Gary Sector	Addleshaw Goddard LLP
Christian Drage	Berwin Leighton Paisner LLP
David Hunter	Osborne Clarke

Also in attendance

Kirsty Burrows	Weil, Gotshal & Manges
Nick Flynn	Weil, Gotshal & Manges

Apologies for Absence

Valerie Fogleman (Vice Chair)	Stevens & Bolton LLP
Brian Greenwood (Hon Sec)	Osborne Clarke
Michael Cunliffe	Forsters LLP
Tony Curnow	Ashurst LLP
Paul Davies	Macfarlanes LLP
Marnix Elsenaar	Addleshaw Goddard LLP
Michael Gallimore	Hogan Lovells International LLP
Ian Ginbey	Clyde & Co
Sara Hanrahan	Keystone Law
Nigel Howarth	Clifford Chance LLP
Richard Keczkas	Olswang LLP
Stephen Webb	SNR Denton UK LLP
Matthew White	Herbert Smith LLP
Chris Williams	CMS Cameron McKenna LLP

2 Minutes of Last Meeting

The Chairman noted that the Secretary had circulated the minutes of the previous meeting twice, due to various amendments. The Chairman reported a mistake in the minutes at para 8.1, namely, that Sara Hanrahan did not volunteer to lead a response on "What Can a Mayor do for your City?". Subject to this amendment the minutes were approved.

3 Matters arising

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

4 Chairman's Report

The Chairman noted that any livery members present had until 14 March to apply for tickets for the Livery Dinner. The Chairman noted that there would be significant attendees such as the Lord Mayor.

5 Working with the Least Developed Countries (LDCs) in the United Nations Framework Convention on Climate Change (UNFCCC) process – a report by Nick Flynn

The Chairman introduced Nick Flynn to the meeting. Nick Flynn is an associate at Weil, Gotshal & Manges specialising in environmental law. He thanked the Chair for the invitation to the meeting and the opportunity to present on his working with the Least Developed Countries (LDCs) in the United Nations Framework Convention on Climate Change (UNFCCC) process.

Nick explained he had recently visited conferences and workshops in Bangladesh and Durban as part of the Legal Response Initiative (LRI), a network created to provide free legal support to LDCs and other vulnerable countries in the UNFCCC process.

Nick noted that 2012 was a key year in respect of climate change because a new process has been initiated for agreeing a comprehensive climate change treaty by 2015. The LDCs support an outcome from this process which will be a legally binding international law regime applicable to all with Kyoto style architecture and obligations.

The alternative of a "bottom-up" regime of national states setting their own voluntary targets of compliance is unlikely to protect LDCs from the effects of climate change and the LRI addresses a capacity gap that would otherwise hinder their ability to engage in the lawful process.

Nick invited members of the Committee to the LRI event at Simmons & Simmons on the evening of 22 March. He circulated an email invitation to members after the meeting.

6 The Localism Act

General

There was a general discussion about intelligence of when the legislation would be brought into effect, including timing on the consultation papers in respect of the supporting guidance.

CPSE new enquiry re s124

The Chairman reported that he had raised with PLC Property the possibility of an enquiry concerning deliberate concealment which may act to reopen time limits. The Chairman had emailed the wording proposed by PLC to members prior to the meeting and, following a

discussion; the Committee concluded that the Chairman should inform PLC Property that we agreed with such wording.

Members of the Committee suggested additional enquiries to deal with the CIL and CRC compliance. The Chairman undertook to pass these suggestions on to PLC Property.

7 Contaminated Land: new regulations and statutory guidance

The Chairman noted that Valerie Fogleman was unable to attend the meeting to express her comments. The Chairman reminded the Committee that it had responded to the underlying consultation and that some commentators had suggested that the revisions would not assist nor achieve very much in practice. The Committee agreed that it would maintain a watching brief over the impact of these changes.

It was noted that Andrew Wiseman was attempting to arrange a meeting with Defra and various eminent environmental lawyers to discuss the changes.

8 Responses to Consultation and other papers

The Chairman reported that the Committee had responded to the consultations on the CIL draft regulations and also to the Green Deal. Copies of the responses were on the website. The Chairman thanked those who had been involved with working groups on those responses and, in particular, on the Green Deal, Charlotte Cook at Macfarlanes and Ben Stansfield at Clifford Chance.

9 Open Consultations and other papers

The Chairman led a discussion on the current open consultations, in light of which, it was decided that the Committee would not be submitting responses to those consultations.

10 Rights of Light

The Chairman reported that he had attended a PLC Property seminar on Rights of Light which he considered to be too pro developer (Helen Hutton had also attended). He noted he had circulated his response to PLC Property to members of the Committee.

Members of the Committee agreed with the Chairman's suggestion that a statutory regime such as that for party wall awards may be appropriate.

The Chairman reminded members that Tony Curnow and Claire Fallows had agreed to be representatives from the Committee on rights of light initiative which the Land Law Committee is undertaking. It is hoped that Tony will have something to report at the next meeting of this Committee.

11 Social Event

It was noted that the offices of Charles Russell would have capacity to hold a social event including canapés and wine. It was agreed availability during May and June on a Thursday evening would be investigated.

12 Date and Venue of Next Meeting

The Committee agreed the next meeting shall be:

- 12 noon on Friday 15 June 2012 – CMS Cameron McKenna LLP¹

13 AOB

Pat Thomas reported on the recent PINs stakeholder meeting in Bristol which various members of the Committee had attended.

It was noted that Bath City Council raised a query regarding the duty to cooperate. This will need to be demonstrated positively, and if not this may be grounds for challenging validity of the preparation of the Local Plan.

Note was made of the dangers relating to the use of the formula in Regulation 40 of the CIL Regulations, in relation to demolition and the reuse of floor space.

¹ June 2012 meeting subsequently cancelled. Therefore, next meeting:
12 noon on Friday 7 September 2012 – Travers Smith LLP