

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

**Minutes**

**MEETING HELD AT THE OFFICES OF BERWIN LEIGHTON PAISNER LLP, ADELAIDE  
HOUSE, LONDON BRIDGE, LONDON, EC4R 9HA**

**FRIDAY, 1 MARCH 2013**

**1. Attendances, Apologies for Absence and Notice of Substitutes**

***Members***

Rupert Jones (Chair)	Weil, Gotshal & Manges
Barry Jeeps	Stephenson Harwood LLP
Romola Parish	Travers Smith LLP
Marnix Elsenaar	Addleshaw Goddard LLP
Sebastian Charles	K&L Gates LLP
Richard Keczkas	
Matthew White	Herbert Smith Freehills LLP
Michael Gallimore	Hogan Lovells International LLP
Christopher Williams	CMS Cameron McKenna LLP
Tim Pugh	Berwin Leighton Paisner LLP
John Bowman	Field Fisher Waterhouse LLP
Brian Greenwood (Secretary)	Osborne Clarke

***Substitutes***

Michael Coxall	Clifford Chance LLP
David Heales	Clyde & Co LLP
Malcolm Dowden	Charles Russell LLP
Michael Gill	Linklaters LLP
Charlotte Cook	Macfarlanes LLP
Sarah Bischoff	Wragge & Co LLP

***Apologies for Absence***

Valerie Fogleman (Vice Chair)	Stevens & Bolton LLP
Anthony Curnow	Ashurst LLP
Ian Ginbey	Clyde & Co LLP
Nigel Howarth	Clifford Chance LLP
Helen Hutton	Charles Russell LLP
Robert Holmes	Farrer & Co LLP
Paul Davies	Macfarlanes LLP
Joshua Risso-Gill	Nabarro LLP
Pat Thomas	Pat Thomas Planning Law
Duncan Field	Wragge & Co LLP

**2. Minutes of Last Meeting**

2.1 These were noted and approved.

### 3. Chairman's Report

- 3.1 The Chairman reported that he had attended the dinner hosted by the Court of the Solicitors' Livery Company to which the Chairmen of all of the Society's Committees were invited – this took place on 28th January 2013 at the Cutler's Livery Hall.
- 3.2 The Chairman drew the Committee's attention to the forthcoming banquet of the City of London Solicitor's Company to be held in the Mansion House on 18th March 2013.
- 3.3 In addition, he drew the Committee's attention to the Annual General Meeting and Reception of the Company and the Society on the 17th June, which will be held at the Tallow Chandler's Livery Hall.

### 4. Membership

- 4.1 The Chairman raised the issue of membership reminding all members that if they failed to attend a meeting of the Committee on three successive occasions, then technically they would be asked to leave the Committee.
- 4.2 Another "technical" point mentioned by the Chairman is that to be a member of the Committee which has been created under the auspices of the City of London Law Society, a member needs to be a member of the Society. This status can be achieved either on an individual basis or if the member's firm is a corporate member of the Society. [For detail see copy of the 2012 list of current corporate member firms circulated with these minutes.]
- 4.3 It was noted that Clare Fielding of Lawrence Graham had asked whether she could join the Committee and it was agreed unanimously that an invitation should be extended to her in this respect

### 5. Consultation Papers - Responses

- 5.1 **Judicial review** – The Chairmen referred to the invite received from the University of Bangor and the University of Essex to provide a speaker at a workshop taking place in the City and which the universities were jointly promoting. Unfortunately none of our members who worked on our response were available to participate and the Chairman had shared the invitation with the chair of the Litigation Committee again unsuccessfully.
- 5.2 **Planning Performance and the Planning Guarantee** – the Chairman reported that the Committee had responded to the Department on this paper; the response was on the Society's website and he thanked Brian Greenwood and Michael Gallimore for their efforts.

### 6. Consultation Papers

- 6.1 **Rights of Light** - The consultation paper issued by the Law Commission in relation to reform to the Rights to Light regime was noted and discussed. It was hoped that a joint response could be submitted on behalf of the Land Law Committee and the Planning Environmental Law Committee.

Following general discussion, it was proposed that two/three representatives from the Committee should work with the Land Law Committee – the volunteers being Tony Curnow (Ashurst) and Sebastian Charles, (K&L Gates) and with Patrick Robinson (Herbert Smith Freehills) being volunteered as a co-opted representative.

In the context of this response the Committee raised queries as to whether it should propose:-

- (i) the abolition of prescriptive rights; and
- (ii) the exclusion of residential buildings from any radical reforms.

It was noted that it will be difficult to give practical examples bearing in mind that many of these are confidential to given client projects.

6.2 **DEFRA – Streamlining the planning application process** – in respect to this consultation paper attention was drawn to the difficulty of needing to validate a planning application with a Design and Access statement, in that this latter exercise is increasingly becoming cumbersome, lengthy and expensive particularly when no thresholds are set. Against this it was agreed that this may be a dangerous path to pursue if we attempted to reduce the need for design and access statements for small schemes in that where does one draw the line.

## 7. **Guest Speakers**

The meeting debated the format of a social event this year. It was agreed at the last event held at the offices of Charles Russell was a success thanks largely to the fact that Stephen Quartermain not only gave us his time, but then remained and circulated.

If we were to hold a similar event this year – inviting all team members, two names that were mooted were that of Peter Rees the City Planner and possibly Steve Quartermain again bearing in mind that the world will have moved on.

The question was also raised as to whether the event should be held at the offices of a member firm or whether we should meet at a separate location, eg a livery hall although it was accepted that this could prove to be an expensive exercise.

## 8. **Date and venue of next meeting**

It was noted that the next meeting will be held on Friday 14 June 2013 at the offices of Ashurst.

**B.J. Greenwood**

**Hon. Secretary**