

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

**MINUTES FOR MEETING ON TUESDAY 29 APRIL 2025 AT 5 PM AT CLYDE & CO, ST  
BOTOLPH BUILDING, 138 HOUNDSDITCH, LONDON, EC3A 7AR**

**ATTENDANCES (SOME VIRTUALLY) AND DETAILS OF SUBSTITUTIONS**

Matthew White (Chairman)	Herbert Smith Freehills LLP
Paul Davies (Vice Chairman)	Latham & Watkins LLP
Jasmine Ratta (Hon Secretary)	Trowers & Hamlins LLP
Ashley Damiral	CMS Cameron McKenna Nabarro Olswang LLP
Ben Groves (sub for Claire Dutch)	Ashurst LLP
Claire Fallows (virtual)	Charles Russell Speechlys LLP
Duncan Field	Town Legal LLP
Ian Ginbey	Clyde & Co LLP
Brian Greenwood	Clyde & Co LLP
Helen Hutton (virtual)	Michelmores LLP
Rupert Jones	
Tim Pugh (virtual)	
Josh Risso-Gill	CMS Cameron McKenna Nabarro Olswang LLP
Gary Sector	Addleshaw Goddard LLP
Christopher Stanwell	Fieldfisher LLP
Stephen Webb	Brecher LLP
Fiona Sawyer (guest)	Herbert Smith Freehills LLP

**APOLOGIES FOR ABSENCE**

Jacqueline Backhaus	Trowers & Hamlins LLP
Rory Bennett	Norton Rose Fulbright LLP
Valerie Fogleman	Stevens & Bolton LLP
Fleur Francis	City of London Corporation

Sara Hanrahan	Blake Morgan LLP
Nigel Howorth	Clifford Chance LLP
Richard Keczkas	Slaughter & May
Louise Samuel	Town Legal LLP
Ben Stansfield	Gowling WLG
Nina Pindham	Cornerstone Barristers

## 1 MINUTES OF THE LAST MEETING

1.1 The Minutes of the last meeting were approved.

1.2 The apologies for the meeting were listed.

## 2 CASE UPDATE

2.1 *Greenfields (IOW) Limited v Isle of Wight Council* [2025] EWCA Civ 488 – the Committee discussed the implications of it. It was noted that it is an odd decision and will depend on the circumstances as to when exactly a section 106 is uploaded onto a Council's website in advance of it being completed. The Committee discussed there being no prejudice in circumstances whether the committee report minute contains the relevant information about section 106 obligations for the development in question and the section 106 reflects this. Nevertheless, it was noted that the decision was quashed and that it is beneficial for a draft to be uploaded as soon as possible (avoiding a possible JR argument) in the section 106 negotiation process.

2.2 *Secretary of State for Environment, Food and Rural Affairs v R (Pickering Fishery Association)* [2025] EWCA Civ 378 – Paul is to address this case at the next CLLS PELC meeting but the Committee noted that judgement was handed down on 2 April 2025 and the appeal was dismissed.

2.3 *Mead Realisations Ltd v Secretary of State for Housing, Communities and Local Government* [2025] EWCA Civ 32. The Committee noted that judgement was handed down on 30 January and that PPG and the NPPF now hold the same status. The Committee discussed the surprising decision and the need now to keep a closer eye on PPG going forward. It has appeared as though PPG is able to be updated without consultation and has been updated on a number of areas recently. The Committee discussed the possibility of setting up alerts for keeping track of such changes.

2.4 Cranbrook, Tunbridge Wells scheme. The Secretary of State granted consent for 165 units within an Area of Outstanding Natural Beauty which is now the subject of a section 288 application. It was noted that the application is based on the enhanced duty of decision-makers under the Countryside and Rights of Way Act 2000 to seek to further the purpose of conserving and enhancing the national landscape. The Committee noted that the High Court has granted permission for the section 288 claim to proceed.

- 2.5 The Committee discussed a South Downs National Park Authority case where the planning permission was issued with the wrong conditions in advance of the section 106 agreement being completed. They are consenting to judgement as would have faced a JR challenge but are seeking to get the permission quashed. The Committee notes that there is no power of correction, as with DCOs and that the planning regime would benefit from the flexibility to resolve issues such as this as it can take 10 weeks or more to sort out.
- 2.6 The Committee discussed a case where an application was made (to avoid a BNG condition) but it was not validated until two months later. The Committee discussed the question of when an application is 'made' and concluded that it is when it is received by the local planning authority and not when validated. Validation should be backdated to the date of receipt and then timings for progressing the application run from that date of receipt.
- 2.7 The Committee discussed the *Fiske* case and the meaning of the words 'in accordance with' and that there appears to be leniency as to what it means. *Fiske* states that the inclusion of this wording or lists of application drawings/documents as part of the description/front end of the should be avoided, particularly to make future use of section 73 applications.

### **3 LONDON/LOCAL AUTHORITY UPDATES**

- 3.1 New London Plan - the Committee noted that a high-level document outlining the new London Plan is now expected to be published in May 2025 with the draft London Plan consultation to occur in 2026. The current intention is for it to be adopted in 2027.

### **4 GOVERNMENT GROWTH AGENDA**

- 4.1 The Committee discussed the fact that there is a lot in the pipeline including the following:
- 4.1.1 Statutory consultees - MHCLG has announced plans to reform the statutory consultee system. A consultation is scheduled for spring 2025;
  - 4.1.2 DCOs – requirements for developers to consult with certain stakeholders on plans for NSIPs in England and Wales in the pre-application process are to be removed. The Committee notes that this is a move in the right direction for the

DCO process but that no such plans are in the works for the Town and Country Planning Order;

- 4.1.3 Call for evidence for land value capture policies and how these can contribute to the delivery of new homes and infrastructure, particularly affordable housing. This closed on 5 March;
- 4.1.4 National Development Management Policies consultation planning for Spring 2025;
- 4.1.5 Industrial Strategy – this is due to be published in Summer 2025;
- 4.1.6 Devolution Bill – an interim plan is due to be published in March 2025;
- 4.1.7 Changes to the local plan making process – a press release announcing plans to speed up and simplify local plans was issued in February 2025;
- 4.1.8 PPG updates to several areas expected in the coming months;
- 4.1.9 Changes expected to the National Design Code and the National Design Model Code; and
- 4.1.10 Brownfield Passports – policy paper was published in February 2025 inviting views on further action that can be taken through the planning system to support the development of brownfield land in urban areas.

## **5 PLANNING AND INFRASTRUCTURE BILL**

- 5.1 The Bill is in committee stage in the House of Commons. A guide has been published along with a series of factsheets and a briefing paper to assist. The Committee discussed it not being passed until Autumn rather than pre-Summer and that it is being billed as not being ambitious enough.
- 5.2 On a separate but related matter, the Committee discussed viability stopping permissions coming forward and how the planning system can continue to be tinkered with but until the economic situation improves the planning regime is also likely to reflect this/will remain stuck.

## **6 PINS AI UPDATE**

- 6.1 Fiona reported to the Committee on her discussions with Sue Chadwick from Pinsent Masons and Janice Wong from CLLS. Fiona has also been speaking with colleagues to discuss the concerns with PINS AI and is working towards producing a paper on this with the intention being to meet with PINS and work with them on this. Fiona stated she would report back to the Committee after the meeting. Fiona stated that progress is slow.
- 6.2 The Committee discussed the current guidance, which states that applicants must declare to PINS if you have used AI in your application. This includes all documents submitted to PINS along with where it was used, the source, including cross references to other documents. There is also a requirement to give declarations including on the factual accuracy of the documents submitted and that the use of AI is 'responsible and lawful'. The Committee discussed how PINS has possibly misjudged just how embedded AI is

everything we do and the difficulties of establishing where the appropriate limits are on monitoring its use.

## **7 ENVIRONMENTAL UPDATES (PAUL)**

- 7.1 Paul mentioned that guidance for conveyancers to tackle climate change risks in property transactions is due to be published in May, which the CLLS ESG sub-committee has assisted with. The Committee discussed the small delta in views between that of the CLLS and the Law Society.
- 7.2 Paul further mentioned the Water (Special Measures) Act 2025 which received Royal Assent in February. Paul explained that this Act extends powers for water regulators to put water companies under special measures, seeking to hold accountable those who hide/seek to hide sewage spills.
- 7.3 New powers for the UK Competition and Markets Authority aimed at clamping down on greenwashing were introduced on 6 April 2025.

## **8 NEW COMMITTEE MEMBERS**

- 8.1 It is proposed that Samantha Brady from Slaughter & May join CLLS PELC to add more coverage to PELC on the environmental side. Paul mentioned that Samantha, has also worked with the ESG Committee. The Committee agreed that Samantha Brady should join the PELC.
- 8.2 The Committee discussed advertising for vacancies on account of Dentons expressing an interest in joining PELC. A possible candidate is mentioned. The Committee discussed the open application process which the Committee Guidance covers. The Committee notes that there is no numbers restriction on Committees and that if people want to join, they should be able to.

## **9 PARTICIPATION IN THE COMMITTEE**

- 9.1 Participation in the Committee was discussed and it was noted that membership should be active and not passive - participation is expected.
- 9.2 The Committee further discussed re-starting a rota for responding to consultations etc. and that if there is a topic which is causing issues for our clients, not to shy away from this but to try and raise the profile of the topic in question by responding to consultations and additionally that it would be good to produce papers/responses which reflect the Committee's view.

## **10 TRUMP – LAW FIRM ATTACKS**

- 10.1 The Committee discussed the issue of Trump's attack on US law firms on their diversity, equity and inclusion related employment practices and acknowledged that it is not an easy path to navigate, particularly because clients are reluctant to hand over information pertaining to their diversity practices. A lot of law firms are reaching an agreement with Trump's administration. It was noted that WilmerHale has pushed back and that associates are resigning over positions taken by their law firms.
- 10.2 Each firm must take its own position. It is not being picked up as a political issue in the UK and so it goes to the constitution of each law firm as to how they respond to it. The Committee noted its disagreement with Trump's policy but it is hard to oppose the US

president unless, like Harvard, a significant amount of finances allow a principled stand to be taken. The Committee agreed it is a matter to continue to monitor, particularly what the position is of the 20 law firms which have been targeted by Trump are and why the respective positions have been reached.

11      **AOB**

11.1      Paul mentioned an upcoming junior environmental lawyers drinks event being held on 29 May. Paul confirmed he would circulate the details. It is not an official CLLS event but he suggested this may be something to roll out for planning junior lawyers too.

11.2      PEBA annual conference takes place on 9 May.

12      **DATE / VENUE FOR NEXT MEETING**

Ian provisionally agreed to host the next meeting on 8 July at Mishcon de Reya, subject to availability of meeting rooms.

**Jasmine Ratta**

**Hon Secretary CLLS PELC**