

# Landmark Chambers

## Barrister CV

David Elvin KC



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## David Elvin KC

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David practices in planning, environmental and public law, as well as property related matters. He is a highly experience court and inquiry advocate.



### Expertise

Environment, Planning, Property, Public and Administrative

## Contact Practice Managers

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## Practice Summary

David has appeared frequently in the High Court and Court of Appeal in England & Wales and in Northern Ireland, the Lands Chamber and the Supreme Court. David has been nominated for the Planning and Land Use Silk of the Year in the Legal 500 Awards 2024.

He has also appeared in the European Court of Human Rights, the Court of Justice of the European Union and the Court of Appeal and Court of Final Appeal in Hong Kong. Before taking silk, David was a member of what is now the "A Panel" of Treasury Counsel. He is called to the Bar of Northern Ireland and appears before the NI Courts and the Planning Appeals Commission.

David appears frequently in court and at inquiries at all levels and provides advisory and advocacy services for a wide range of clients, private and public. During his time as Treasury Panel counsel, he appeared in many planning and public law cases and acted for a wide range of government departments and bodies. As well as advising and representing private and commercial clients he has continued to act for central and local government, regulators and other and public bodies both in England & Wales and in Northern Ireland since taking silk.

David also sits as a Deputy High Court Judge in the KBD (Admin and Planning Courts and London Circuit Commercial Court) and as a Recorder in the Crown Court as well as an arbitrator, expert and mediator.

He is a Bencher of the Middle Temple.

David's practice began in property law which expanded while a junior to include planning, environment and public law. He still undertakes property work, most frequently that closely related to public law issues and planning e.g. easements and covenants, electricity wayleaves, the statutory overriding and discharge of third party rights, compulsory purchase and compensation, countryside, agricultural and wildlife issues as well as trespass and protest cases (most recently the litigation against Insulate Britain).

David's planning and environmental work covers a wide range of planning work including housing, commercial, heritage, ecology, infrastructure, climate change, energy, minerals and waste and local plans and David has been particularly involved in waste, energy, environmental assessment and habitats issues recently (including water stress/neutrality issues and nutrient neutrality). Public law work includes compulsory purchase and compensation, highways and public rights of way, local government law and disputes over electricity wayleaves and easements.

Recent cases include ***R (Finch) v Surrey CC*** [2024] UKSC 20 (EIA and "downstream" effects of oil production), ***Re No Gas Caverns Ltd's Application for Judicial Review*** [2024] NICA 50 (undersea gas storage, NI constitutional law/executive referral), ***Protect Dunsfold Ltd v Sec of State*** [2024] JPL 183 (gas exploration and climate change), ***R. (Wyatt) v Fareham BC*** 83 [2023] P.T.S.R. 1952 (habitats assessment and nutrient neutrality), ***Secretary of State for Transport v Curzon Park Ltd*** [2023] 1WLR 2762 (HS2 CPO compensation – certificates of appropriate alternative development), ***Arnold White Estates Ltd v Forestry Commission*** [2023] PTSR 242 (interrelationship between planning and forestry felling licences), ***Jones v MOD*** [2022] Env LR 13 (noise nuisance claim against RAF fast jet training), ***National Highways Ltd v Springorum*** [2022] EWHC 205 (QB) (committals for breaches of injunctions preventing highways trespass), ***Wild Justice v Natural Resources Wales*** [2021] Env LR 24 (wildlife licensing), ***Southwark LBC v. Transport for London*** [2020] AC 914 (vesting of London strategic highways) and ***Canterbury CC v Secretary of State*** [2019] JPL 1321 (habitats mitigation following ***People over Wind***).

Recent major inquiries: opposing the **Immingham Eastern Ro-Ro Terminal DCO** (hearings 2023, continuing), promoting the **City of York Local Plan** at examination (2019 onwards), **Whitechapel Bell Foundry** (restoration and reuse of heritage assets) (2020/21), **Portland Energy Recovery Facility Inquiry** (December 2023, energy from waste plant on the Isle of Portland), **Northacre Energy from Waste Facility** (2022/3) (energy from waste plant in Wiltshire) and **Loxley Exploratory Gas Well, Dunsfold** (2021-2) and opposing the **Barking Vicarage Fields CPO** (unviable town centre CPO) (2022).

## Environment

Planning and environmental work covers a wide range of planning work including housing, commercial, heritage, ecology, infrastructure, climate change, energy, minerals and waste and local plans and David has been particularly involved in waste, energy, environmental assessment and habitats issues recently (including nutrient neutrality).

*'David's particular strengths are his advocacy skills. One knows when instructing him that one has an excellent advocate on their team who can be relied on to deliver a first rate service for the client. He delivers incredibly clear, concise and commercial;*

*advice. He is incredibly bright but also down to earth and a joy to work with.'* - **Legal 500**

## Planning

David's planning and environmental work covers a wide range of planning work including housing, commercial, heritage, ecology, infrastructure, climate change, energy, minerals and waste and local plans and David has been particularly involved in waste, energy, environmental assessment and habitats issues recently (including nutrient neutrality).

He specialises in judicial reviews involving planning, infrastructure and property. David is well known for his handling of public inquiries relating to planning and development.

*"As planning silks go, he is top of the tree. A brilliant brain and good to work with."* **Chambers and Partners**

## Property

David's practice began in property law which expanded while a junior to include planning, environment and public law. He still undertakes property work, most frequently that closely related to public law issues and planning e.g. easements and covenants, electricity wayleaves, the statutory overriding and discharge of third party rights, compulsory purchase and compensation, countryside, agricultural and wildlife issues as well as trespass and protest cases (most recently the litigation against Insulate Britain).

*"Formidable and a go-to person on the complex legal issues providing clear commercial advice. He is a very impressive advocate."* **Chambers and Partners**

## Public and Administrative

David's public law work includes compulsory purchase and compensation, highways and public rights of way, local government law and disputes over electricity wayleaves and easements. He represents public bodies and private clients in contentious and non-contentious administrative law matters. He is well known for his handling of public inquiries relating to planning and development.

*"David has a fabulously broad practice, so he draws upon experience from lots of different judicial reviews."* **Chambers and Partners**

## Qualifications

- B.A. (First Class) in Jurisprudence, Hertford College, Oxford (1981)
- BCL, Hertford College, Oxford (1982)

## Recommendations

"He's fantastic: an authority to be reckoned with." "A man at the top of his game who speaks with authority in court. He has an ability to zoom in on the main points of the case." "David is exceptionally bright and has extensive experience. That makes him a formidable barrister to have on your side."

**Environment, Chambers and Partners, 2024**

"David remains very much at the top of his game as one of the UK's leading planning silks." "David is user-friendly and great with clients."

**Planning, Chambers and Partners, 2024**

"David Elvin is a leader in the space and a very respected senior silk." "David Elvin is clever, highly knowledgeable and very good in court."

**Agriculture and Rural Affairs, Chambers and Partners, 2024**

"He has an ability to zoom in on the main points of the case." "David understands strategy and how to pitch cases."

**Administrative and Public Law, Chambers and Partners, 2024**

"David is incredibly strong across the board and provides succinct and clear advice which clients are able to easily understand and assimilate. David is also very approachable and responsive."

**Local Government, Chambers and Partners, 2024**

"David is a formidable barrister to have on your side."

**Environment, Legal 500, 2024**

"David remains at the top of his field and one of the pre-eminent planning barristers in the UK. He is a clear, incisive and skilled in his cross-examination, with a remarkable grasp of a variety of technical issues in even the most complex cases. David leads from the front."

**Planning, Legal 500, 2024**

"An impressive intellect and ability to identify critical issues, both in writing and in court."

**Local Government, Legal 500, 2024**

"He is a formidable advocate and has the ability to cut through large amounts of documents to the key points of the case. He always delivers in a very clear and decisive manner." "A brilliant brain and provides very strong client service."

**Administrative and Public Law, Chambers and Partners, 2023**

"He knows everything, and is just super." "He is energetic, gives clear, decisive advice."

**Environment, Chambers and Partners, 2023**

"He is an excellent advocate and a good all-rounder."

**Agriculture and Rural Affairs, Chambers and Partners, 2023**

"He is incredibly intelligent - he must have two brains." "David is an excellent advocate."

**Local Government, Chambers and Partners, 2023**

"David has a fabulously broad practice, so he draws upon experience from lots of different judicial reviews." "As planning silks go, he is top of the tree. A brilliant brain and good to work with." "Formidable and a go-to person on the complex legal issues providing clear commercial advice. He is a very impressive advocate."

**Planning, Chambers and Partners, 2023**

"An excellent advocate and extremely knowledgeable about all aspects of local government law and powers."

**Environment, Legal 500, 2023**

"David's particular strengths are his advocacy skills. One knows when instructing him that one has an excellent advocate on their team who can be relied on to deliver a first rate service for the client. He delivers incredibly clear, concise and commercial; advice. He is incredibly bright but also down to earth and a joy to work with."

**Planning, Legal 500, 2023**

"He is passionate about his work and provides excellent, clear-cut advice." "He has an encyclopedic brain and is a huge presence at the planning Bar."

**Administrative and Public Law, Chambers and Partners, 2022**

"He is mega bright and can do anything."

**Agriculture and Rural Affairs, Chambers and Partners, 2022**

"He is terrific to work with." "He is great on environment work."

**Environment, Chambers and Partners, 2022**

"His work ethic and his commitment to doing the best he can for his clients are very impressive."

**Local Government, Chambers and Partners, 2022**

"David Elvin is incisive, gets to the key point quickly and then skillfully and mercilessly takes apart the weaknesses in the other party's case and witnesses' evidence." "He has encyclopedic knowledge of planning and compensation issues." "He knows all the answers and commands the room whether with clients or in court."

**Planning, Chambers and Partners, 2022**

"At the forefront of environmental law since the beginning, he is a heavy hitter, who is brilliant, genuine and kind."

**Environment, Legal 500, 2022**

"David is one of the outstanding intellects in the field. He has the mental capacity to take on multiple complex mandates and performs to the highest possible standard. Clients have enormous confidence in his abilities particularly on projects involving a bet the ranch position. His collection of rare skills means he is in high demand."

**Planning, Legal 500, 2022**

"He's at home with complex legal principles and he has a busy practice." "He has a very fluent and precise but flexible style of advocacy – he deals with new developments very comfortably. He has a very good sense of when to give ground and when to carry on pushing."

**Administrative and Public Law, Chambers and Partners, 2021**

"He is a phenomenally good lawyer and can turn his mind to anything and will get on top of the subject." "David is a dynamo; he has a fantastic capacity for work and mastering really difficult, detailed cases."

**Agriculture and Rural Affairs, Chambers and Partners, 2021**

"He has encyclopaedic knowledge." "He has great gravitas." "He has a fluent, precise but flexible style of advocacy."

**Environment, Chambers and Partners, 2021**

"Very responsive and clear and decisive in his advice." "He's clever, hard-working and very knowledgeable. He's also very smooth and persuasive in court."

**Local Government, Chambers and Partners, 2021**

"He is one of the smartest counsel and he's got the ability to provide very sound judgement and good, robust advice." "He's very confident and clear, and he's calm and very persuasive in the courtroom."

**Planning, Chambers and Partners, 2021**

"Terrific brain power and breadth of expertise – but always willing to hear your point of view and adapt his thinking to take on board your arguments. Always responsive and charming to deal with. Very client friendly."

**Planning, Legal 500, 2021**

"A leading silk with wide knowledge of the law, as well as terrific brain power and breadth of expertise."

**Environment, Legal 500, 2021**

"He's known for his multitasking and that really shows when you instruct him. And for someone who's known as one of the best planning brains, he's so friendly and approachable. His advocacy is entertaining too: he's succinct and brief, and he knows exactly what he wants to say and says it very well."

**Administrative and Public Law, Chambers and Partners, 2020**

"He's an extremely clever man and a very good lawyer." "He's very much at the top of his game."

**Agriculture and Rural Affairs, Chambers and Partners, 2020**

"He has a commanding presence and the ear of the court." "He is extraordinarily bright, very personable and very easy to get along with."

#### **Local Government, Chambers and Partners, 2020**

"One of the foremost authorities on most of the really difficult areas of planning law." "What he doesn't know about planning law isn't worth knowing."

#### **Planning, Chambers and Partners, 2020**

"David's recall of seemingly the entire body of European case law, regulation and Directives makes him the go-to lawyer for any black letter question involving European environmental or planning law." "He commands respect and is an excellent advocate."

"He is an absolute dream to work with."

#### **Environment, Chambers and Partners, 2020**

## Cases and inquiries

16 09 24	Secretary of State grants permission for ERF within the port on the Isle of Portland
20 06 24	Supreme Court requires assessment of downstream environmental effects - Finch v Surrey CC [2024] UKSC 20
20 07 23	High Court dismisses challenge to on-shore gas exploration project
21 02 23	Planning permission granted on appeal for Wiltshire Energy from Waste facility
18 01 21	Wild Justice v Natural Resources Wales [2021] EWHC 35 (Admin)
13 09 19	Inquiry into Northern Ireland's largest proposed windfarm
23 11 18	HJ Banks & Company Ltd v Secretary of State for Housing Communities and Local Government [2018] EWHC 3141 (Admin)
11 06 18	R (Edwards) v. Environment Agency & Others
25 05 18	R (Faraday Development Ltd) v West Berkshire Council & Anor [2016] EWHC 2166 (Admin)
25 05 18	Minerva (Wandsworth) Ltd v Greenland Ram (London) Ltd [2017] EWHC 1457 (Ch)
10 04 18	London Borough of Southwark v Transport for London [2015] EWHC 3448 (Ch)



04 08 17	Southwark LBC v Transport for London [2018] P.T.S.R. 333
10 07 15	Newry Chamber of Commerce's application for judicial review [2015] NIQB 65
09 07 15	Ashdown Forest Economic Development LLP v Wealden District Council [2016] Env. L.R. 2
17 06 15	R (Larkfleet Homes Ltd) v Rutland County Council [2015] P.T.S.R. 1369
14 04 15	Hatchfield Farm, Newmarket
18 02 15	London Borough of Southwark & City of London Corporation v Transport for London [2015] EWHC 383 (Ch)
09 12 14	R (HS2 Action Alliance Ltd & London Borough of Hillingdon) v Secretary of State for Transport [2015] J.P.L. 555
07 11 14	R (o.a.o. Khan) v London Borough of Sutton [2014] EWHC 3663 (Admin)
06 08 14	R (on the application of HS2 Action Alliance Ltd) v Secretary of State for Transport [2014] P.T.S.R. 1334
27 05 14	R (Police and Crime Commissioner for Leicestershire) v Blaby District Council [2014] EWHC 1719 (Admin)
31 03 14	Islington LBC v Secretary of State for Communities and Local Government [2014] EWCA Civ 378
10 03 14	R (on the application of Fox Strategic Land and Property Ltd) v Chorley BC [2014] EWHC 1179 (Admin)
03 03 14	Arnold White Estates Ltd v National Grid Electricity Transmissions Plc [2014] EWCA Civ 216
22 01 14	R (HS2 Action Alliance Limited & others) (Appellant) v The Secretary of State for Transport and another [2014] 1 W.L.R. 324
10 10 13	Earl's Court SPD challenge rejected
24 07 13	HS2 Action Alliance Ltd & others v Secretary of State for Transport [2014] 1 C.M.L.R. 10
15 03 13	R (Buckinghamshire CC, HS2 Action Alliance Ltd and Heathrow Hub Ltd) v Secretary of State for Transport [2013] EWHC 481 (Admin)
03 04 12	Judicial reviews brought against HS2 by local authorities and HS2AA
16 03 12	R (Midlands Co-Operative Society Ltd) v Birmingham City Council & Tesco Stores Ltd. [2012] Eu L.R. 640

02 02 12	High Court orders judicial review of bid to ban heather burning
01 01 12	R (Wetherell) v Westminster City Council
29 11 11	Avonmouth Energy from Waste
25 03 11	Save Historic Newmarket Ltd v. Forest Heath District Council [2011] J.P.L. 1233
09 07 10	Inquiry into Energy from Waste plant at Ardley, Oxfordshire
18 09 09	Inquiry into state-of-the art in-vessel composting facility at Wisley Airfield
28 04 09	Quinto v Santiago Castillo Limited [2009] UKPC 15
22 01 09	Court of Appeal Upholds Basildon Council's Decision to Enforce Against Largest Gypsy Site in the UK
31 07 08	Procurement advice
31 07 08	Land valuation cases
22 07 08	Dunlopillo Latex Foam Ltd, Pannal, Harrogate
25 06 08	High Court rejects judicial review of Fullabrook Windfarm
16 04 08	House of Lords dismisses appeal in R (Edwards) v. Environment Agency
19 03 08	R (Heath & Hampstead Society) v. Camden LBC & Vlachos [2008] 3 All E.R. 80 (CA), [2007] 2 P. & C.R. 19 (High Ct)
06 03 08	Court of Appeal refuses permission to challenge Darwen Academy CPO
24 01 08	High Court dismisses challenge to Darwen Academy CPO [2008] EWHC 62 QB
01 01 08	Crossrail Bill (Parliamentary Hybrid Bill proceedings) [from 2004 and continuing]
01 01 08	Judicial reviews involving Basildon gypsy sites (ongoing)
04 12 07	Oxford Westgate CPO
30 11 07	Re: Mr Neil Cockburn, Pennoxstone Court, King's Caple [Inquiry]

23 11 07	R (Sainsburys & Dean) v Secretary of State & West End Green
07 11 07	R (Residents Against Waste Site Ltd) v. Lancashire County Council [2008] Env. L.R. 27
25 10 07	Proposed new Mersey Crossing
08 03 07	R (Pascoe) v. Liverpool City Council [2007] EWHC 1024 (Admin)
27 02 07	Property litigation for Liverpool City Council
14 02 07	Crowley (t/a Contraband Discount Stores) v. Liverpool PSDA Ltd [2007] R.V.R. 125
01 02 07	Court of Appeal uphold the partial quashing of the New Forest National Park Designation
01 01 07	R (Barker) v Secretary of State & Bromley LBC (2006-7) (European Court and House of Lords) [2007] 1 A.C. 470
01 01 07	Footpaths
01 01 07	Meyrick Estate Management v Secretary of State for Environment, Food and Rural Affairs [2007] (Court of Appeal)
01 01 07	R (Berwick Street Properties) v Westminster City Council (High Court)(2007)
06 12 06	Barker v. Bromley LBC (House of Lords)
03 08 06	Dudley Brierley Hill CPO modified to accommodate Corus objection
01 07 06	Liverpool HMRI CPOs inquiry
27 06 06	Court of Appeal dismisses appeal in Edwards v Environment Agency
04 05 06	Important ECJ judgments on EIA and outline planning permission
25 04 06	Supermarkets Inquiry (Competition Commission) [current]
25 04 06	Extensive CPO regeneration work
23 02 06	Commission v. UK Case C-199/04
31 10 05	Gammell v South Cambridgeshire District Council [2005] EWCA Civ 1429, [2006] JPL 873

01 01 05	South Cambridgeshire DC v Gammell [2005] EWCA Civ 1429
10 11 04	Work on climate change and habitats erosion (ongoing)
07 01 04	R (Delena Wells) v. the Secretary of State for Transport, Local Government and the Regions Case C-201/02
01 01 04	Acting for Westfield and Derby CC in promoting city centre regeneration CPO at Eagle Centre, Derby
01 01 04	Crossrail Bill (Parliamentary Hybrid Bill proceedings) [from 2004 and continuing]
01 01 03	Rowland v. Environment Agency
01 01 03	Dennis v. MOD
01 12 02	Dibden Bay Deep Sea Container Terminal (Nov 2001 - Dec 2002)
01 01 02	R (Bedford & Clare) v. Islington LBC & Arsenal FC
01 01 02	Kingsalton Ltd. v. Thames Water Developments
01 01 02	UK Renderers Association v Secretary of State
01 01 02	Henry Boot Homes Ltd v. Bassetlaw D.C.
01 01 01	The Alconbury Litigation
06 07 00	Berkeley v Secretary of State [2000] 3 W.L.R. 430
01 01 00	R v. Durham CC ex parte Huddleston
01 01 00	R v. Secretary of State for Defence ex p. Wilkins
01 01 00	Steed v Home Office
01 01 00	Eronpark v. Secretary of State
31 12 99	Acting for Madonna and Guy Ritchie in opposing mapping of the Ashcombe Estate under CROW Act.
01 01 99	R v. Home Secretary ex p. Fielding
01 01 99	Alnwick B.C. v. Sec. of State

01 01 98 R v. North Derbyshire HA ex p. Fisher

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01 01 98 Colley v. Secretary of State

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01 01 97 R v. Secretary of State ex p. Torridge D.C.

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01 01 96 Childers v. Anker

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01 01 96 R v. Secretary of State ex p. Kirkstall Valley Campaign

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01 01 96 R v. City of London Magistrates, ex p. Asif

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17 03 95 Scmla Properties Ltd. v. Gesso Properties (BVI) Ltd. [1995] BCC 793

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01 01 95 SCMLLA v. Gesso Properties

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## Publications

David is General Editor of the Encyclopedia of Planning Law and Practice

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