

Landmark Chambers

Barrister CV

Zack Simons



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Zack Simons

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Zack is the top-rated junior planning barrister in the country (Planning Magazine Legal Surveys 2021, 2022, 2023 and 2024).



Expertise

Planning, Environment

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Practice Summary

Zack's practice focuses on housing, infrastructure, commercial development, and compulsory purchase work. He appears regularly in planning appeals at inquiries and hearings local plan examinations, compulsory purchase order inquiries and court hearings in the High Court, Court of Appeal and Supreme Court.

The directories rate him as "exceptionally talented", "an absolutely brilliant barrister" (Chambers and Partners), "in high demand" (Who's Who Legal), "a joy to work with", "fantastic", a "brilliant advocate" (Legal 500), "mould-breaking", "a go-to person", "simply brilliant" and "a star advocate" (Planning Magazine). Zack was nominated for Planning and Land Use Junior of the Year in the Legal 500 Bar Awards 2022, and is a Tier 1 ranked "leading junior" in Legal 500.

Zack is an Honorary Associate Professor at the Bartlett School of Planning, UCL.

Zack is also the creator of "planoraks", where he publishes posts on UK planning law, litigation, appeals and plan examinations. You can subscribe for new #planoraks posts [here](#).

Planning

Zack acts for a wide range of developers, including some of the UK's leading housebuilders (including Barratt Developments, the Berkeley Group, Bellway, Redrow, Vistry, Persimmon, Taylor Wimpey, Cala Homes, Bloor Homes, the Peabody Trust, Places for People, Clarion, Keepmoat Homes, Galliard Homes, Croudace Homes, Thakeham Homes, Wain Homes, Jelson Homes and Lioncourt Homes), a wide range of regional housebuilders, national developers like Henry Boot, Wates and Tarmac, and some of the country's leading land promoters (including Catesby Estates, Richborough Estates, Gleeson Land, Gladman Estates, Rainier Developments, L&Q Estates, Tarmac, Axis Land Partnerships and IM Land), Central Government, and many local planning authorities.

Zack also acts for a wide range of institutional developers including schools, universities and NHS Trusts.

Some of the schemes Zack has recently acted on – in relation to the planning application, planning appeal, CPO and/or legal challenge stages – include:

- **Edith Summerskill House, Putney** – a 20 storey tower in South-West London designed by Henley Halebrown containing 133 homes, all of which will be affordable. Zack successfully promoted the scheme for a joint venture between Stanhope PLC and the LB Hammersmith and Fulham after a two-week call-in inquiry.
- **55 West, Ealing** – a 19 storey building by DMWR Architects which comprises 144 affordable homes (100%) and retail space next to the new West Ealing Elizabeth Line Crossrail station. Zack succeeded in an appeal for the developers – Southern Grove and Metropolitan Thames Valley Housing.
- **Bicester Ecotown** – Zack appeared at inquiry for the successful promoter of a scheme for 530 new homes in North West Bicester Ecotown. The Ecotown is the first of its kind in the UK.
- **The Green, Southall, Ealing** – Zack successfully promoted a scheme to redevelop and regenerate a strategic allocation in the heart of Southall for a scheme including 564 residential dwellings, along with flexible commercial and employment floorspace. Zack appeared for the Council and the Developer (the Peabody Trust) at the CPO inquiry.
- **Heythrop College, Kensington** – a scheme designed by John Bushell to redevelop a substantial site next to Kensington Square, including a state-of-the-art bespoke Extra Care facility, with a range of accommodation, publicly accessible uses (including a community hall and café), provision of extensive public and private landscaped areas and the erection of a structural deck over a section of the London Underground track. Zack acted for the successful developers at a planning inquiry.
- **Lemon Tree House, Mile End** – Zack succeeded at an inquiry for the Clarion Housing Group, the country's largest social landlord, in an appeal for a 9-storey residential development on Bow Road in Tower Hamlets comprising 100% affordable homes.
- **Holocaust Memorial, Westminster** – a nationally significant Holocaust Memorial and Learning Centre in Victoria Tower Gardens next to the Palace of Westminster. Zack supported this landmark proposal both at a six-week planning inquiry and in the High Court on behalf of "*Learning from the Righteous*", a charity which promotes Holocaust education.

- **Panda House, Tower Hamlets** – a contemporary co-living scheme on the City Road between Canary Wharf and the City of London. Zack appeared at an inquiry for the successful developers.
- **Green Belt appeals** – Zack has appeared for the successful appellants in substantial appeals for Green Belt including Colney Heath, Hertfordshire; Maitland Lodge, Basildon; Sondes Farm, Dorking; Dunton Road, Basildon; Barnet Lane, Borehamwood and others.
- **Ashford Garden Community** – Zack acted for the successful developer of part of the Ashford Garden Community at an inquiry into a 550-home scheme at Kingsnorth to the south of Ashford. The site is within the Stour River Catchment which feeds into Stodmarsh Lakes to the east of Canterbury. So the scheme had to demonstrate nutrient neutrality, which it did by incorporating a wastewater treatment works.
- **Blount Street, Mile End** – Zack acted for the successful developer of a scheme for purpose built student accommodation (PBSA) at an appeal for a site in Tower Hamlets.
- **Extension to Sittingbourne** – Zack secured a major extension to Sittingbourne including 775 homes and a new rugby club in an appeal which was recovered by the Secretary of State.
- **Greenfield housing appeals** – Zack has successfully secured planning permission on appeal for a number of greenfield housing sites including: Rustington Golf Centre, Angmering; Swanstree Avenue, Sittingbourne; Duckmoor, Billingshurst; Spruce Close, Exeter; Potton, Bedfordshire; Marnhull, Dorset; Funtley, Hampshire; Barwell, Leicestershire; Middleton Cheney, Northamptonshire; Bilsthorpe, Nottinghamshire; Brantham, Suffolk; Iwade in Kent; Ringmer, Lewes and many others.
- **Biopark, Welwyn Garden City** – Zack successfully promoted a scheme for 289 homes and a community hub in the heart of Welwyn Garden City after a two-week planning inquiry.
- **The Landing** – a major regeneration scheme in Maidenhead which comprises 344 homes 7,007 sqm of office floorspace and a further 2,196sqm GEA of flexible retail, office, community and leisure floorspace. Zack successfully promoted the scheme through the CPO process for the developers.
- **“The Woolmead”, Berkeley Homes** – a major development in Farnham comprising 138 apartments and substantial commercial floorspace. Zack successfully promoted for Berkeley Homes at appeal.
- **Cheshunt FC** – Zack successfully promoted a new football stadium for Cheshunt Football Club after a planning inquiry together with 163 new homes and 4000 sqm of commercial floorspace on Theobalds Lane in Cheshunt.

Zack acted for the developer in ***Mead Realisations Limited / Redrow v The Secretary of State for Levelling Up, Housing and Communities*** [2024] EWHC 279 (Admin) – the leading authority on flood risk and the sequential test.

Zack also acted for the Home Builders Federation and the Land, Planning and Development Federation in ***CG Fry v Secretary of State*** in the Court of Appeal – a leading case on nutrient neutrality.

He has advised developers of a number of major strategic housing sites, including Aylesham Village (1400 dwellings), Dallington Grange, Northampton (3000 dwellings), Dunsfold Park (1800 dwellings), the North East Chelmsford Garden village (3000 dwellings), Kent Scient Park (9000 dwellings) and New Lubbesthorpe (4250 dwellings). Zack has also appeared in some of the most important planning court cases of recent years including a number of recent Supreme Court cases (***Hopkins Homes*** on housing land supply, ***CPRE v Dover*** on reasons for planning permissions, and ***Wright v Forest of Dean*** on what constitutes a material planning consideration).

Plan Examinations

Zack regularly acts for promoters, developers, land owners and local authorities in local plan examinations across the UK and has a particular interest in cases involving disputes over land supply, and sites in the Green Belt (see the “Green Belt Development” tab under Expertise). Recent examinations include:

- Appearing at an examination in Surrey for a housebuilder promoting a site for release from the Green Belt.
- Appearing at an examination in Buckinghamshire for a leading land promoter seeking to promote a site for release from the Green Belt.
- Appearing at an examination in Hertfordshire for a developer seeking to promote a site for release from the Green Belt.
- Appearing at an examination in the Midlands for a national housebuilder promoting a site for release from the Green Belt.
- Appearing at an examination in the South-East for the promoters of a major strategic commercial and employment site near Gatwick Airport.
- Appearing at an examination in a London Borough for the promoters of a mixed use commercial and residential scheme in the Green Belt.
- Acting for an examination in Essex for a conglomerate of promoters and housebuilders to promote a major residential urban extension.

Mixed Development

- ***McCracken v City of London, Inner Temple***: Zack successfully acted for the City of London resisting a challenge to the proposals to redevelop the Inner Temple Library.
- ***Winters v Secretary of State for Communities and Local Government*** [2017] EWHC 357 (Admin): Zack acted for the successful Secretary of State in a case on the proper approach to the prior approval regime under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- ***Croke v Secretary of State for Communities and Local Government*** [2017] P.T.S.R. 116: Zack acted for the successful Secretary of State in a case that examined the correct approach to filing deadlines for claims under section 288 of the Town and Country Planning Act 1990.
- ***R (Champion) v North Norfolk DC*** [2015] 1 W.L.R. 3710: Zack acted for the successful Respondents in the Supreme Court, a leading case on the proper approach to environmental assessment in planning cases (led by Christopher Lockhart-Mummery KC).
- ***University of Bath***: Zack acted for the University in an inquiry into the Bath & North East Somerset Council's refusal of permission for a car park on the northern edge of its campus on the basis of alleged impacts on the setting of the Bathampton Camp, a Scheduled Ancient Monument (led by Russell Harris KC).
- ***Snoasis***: Zack advised the developers of the Snoasis scheme in Suffolk, which when constructed will be Europe's largest indoor ski centre.
- ***Al-Humera Mosque***: Zack acted for the successful appellants at an inquiry in Newham which examined whether religious practices can constitute material planning considerations.

- **Save Britain's Heritage Victorian Society v Sheffield City Council** [2013] EWHC 2456 (Admin): Zack advised the University of Sheffield in relation to the demolition of the Edwardian extension to the former Jessop Hospital.

Infrastructure

Zack has been instructed in relation to a number of major DCO schemes, including the Thames Tideway Tunnel, the Hornsea Project Three offshore wind farm and the Port of Immingham.

He currently acts for Highways England promoting the A27 Arundel Bypass, and advised Gatwick Airport on the implications of the Airport Commission's reports on increasing airport capacity

Zack has extensive experience of waste infrastructure planning and environmental permitting. He appeared at appeals for strategic-level facilities at:

- Javelin Park, Gloucestershire, and
- Avonmouth, Bristol,
- Renewable Energy Centre, Keypoint, Swindon, and
- Renewable Energy Centre, Hillthorn Farm, Sunderland.

Zack advises regularly on the definition of waste, and appeared in **Skrytek v SoS for Energy and Climate Change** [2013] EWCA Civ 1231, an appeal based on the proper interpretation of the waste hierarchy in relation to a proposed waste incineration plant in Derby.

Zack has acted on a range of on-shore wind energy schemes at planning hearings and appeals. He also advises the Marine Management Organisation on harbor-related infrastructure.

Compulsory Purchase and Compensation

Zack is regularly instructed in relation to Compulsory Purchase Orders. Some notable cases include:

- West Hendon: Zack acts for the successful developer, Barratt Homes, and the London Borough of Barnet, in relation to a series of CPOs to secure the regeneration of the West Hendon housing estate (led by Neil King KC).
- Brent Cross: Zack advised an objecting landowner on the CPO inquiry into the regeneration of the Brent Cross.
- Shepherd's Bush Market: Zack acted for the successful developer and the London Borough of Hammersmith and Fulham at the CPO inquiry into the regeneration of the Shepherd's Bush Market (led by David Elvin KC).
- Southall Gasworks: Zack acted for an objector at the inquiry into the regeneration of the Southall Gasworks.
- Aylesbury housing estate: Zack advised leaseholders on the CPO inquiry into the regeneration of the Aylesbury housing estate in Southwark.
- Wolverhampton: Zack advised an objector to the Wolverhampton City Centre Extension Order.
- Granville Road Estate, Barnet: Zack acted for the developers, Mulalley and the One Housing Group, and the London Borough of Barnet, promoting CPO to secure the regeneration of the Granville Road housing estate in Barnet (led by Neil

King KC).

Commercial/Retail

- **Horley Business Park**: Zack acts for the promoter of a major strategic business park development near Gatwick Airport.
- **Sainsbury's Supermarkets Ltd v Uttlesford DC** [2012] P.A.D. 33: Zack appeared for the successful Rule 6 party in a supermarket appeal in Saffron Walden.
- **Hammerson Plc v City and County of Swansea Council** [2015] P.A.D. 68: Zack advised the developer in the Parc Tawe retail park appeal in Swansea (led by Christopher Katkowski KC).
- Cross Hands: advised developers on proposed retail development to the south east of Carmarthen (led by David Elvin KC).

Energy

Zack has particular experience of energy projects, including nuclear energy, energy from waste, and renewable energy in its various forms. He regularly appears at wind farm inquiries across the UK.

- **R. (Wright) v Forest of Dean DC** [2016] EWHC 1349: Zack acted for the successful Claimant in an important case on the materiality of community contributions in planning applications for renewable energy development (led by Neil Cameron KC).
- Fracking: Zack advised in relation to Cuadrilla's applications for exploratory fracking in Lancashire, and has delivered a number of lectures on fracking and Environmental Impact Assessment.
- **Stroud DC v Secretary of State for Communities and Local Government** [2015] EWHC 1940 (Admin): Zack represented Stroud District Council at a six-week inquiry and in the High Court in relation to a proposed EfW plant in Gloucestershire:
- **R (Burrige) v Breckland DC** [2013] J.P.L. 1308: Zack acting for the claimant in the High Court and the Court of Appeal in an important case on the interpretation of the EIA Directive.
- **Colman v SoS for Communities and Local Government** [2013] EWHC 1138 (Admin): Zack acted for the Claimant in a challenge to an Inspector's grant of permission for a nine turbine wind farm which raised important questions on the application of the NPPF.

Green Belt

Zack has acted in some of the key cases on development in the Green Belt in recent years, including:

- **(Boot) v Elmbridge BC** [2017] EWHC 12 (Admin): Zack acted for the for the Elmbridge Borough Council in a challenge to its proposed redevelopment of this Green Belt site to provide a major local sports and leisure facility (led by Neil Cameron KC). The case raised an important issue on the meaning of "preservation" of Green Belt openness.
- **Smith v Secretary of State for Communities and Local Government** [2017] EWHC 2562 (Admin): Zack acted for the successful Secretary of State in a case on the proper approach to visual impacts and openness in the Green Belt.
- **R (Oakley) v South Cambridgeshire CC** [2017] EWCA Civ 71: Zack acted for the successful appellant in a challenge to the proposed stadium for the Cambridge City football club within the Green Belt around Cambridge in an important case on the

duty to give reasons in planning decisions.

- **Gallagher Homes Limited v Solihull Metropolitan Borough Council** [2015] J.P.L. 713: Zack acted for the successful housebuilders both in the High Court and the Court of Appeal in an important case on the approach to “exceptional circumstances” for altering Green Belt boundaries.
- **R (Wildie) v Wakefield MDC** [2013] EWHC 2769 (Admin): Zack acted for the Claimant in a case that examined the NPPF’s approach to granting permission in the Green Belt.

Zack has acted for a number of national housebuilders and promoters at examinations of local plans promoting sites for release from the Green Belt.

At planning appeals, alongside the general housing work summarised in the “Housing” section which has regularly involved development proposals in the Green Belt, Zack also acted for:

- The appellant care home provider in an appeal which addressed whether a shortage of dementia care beds could constitute very special circumstances for extending a care home into the Green Belt.
- The successful Rule 6 party in an inquiry into a proposed crematorium in the Green Belt in Lambley, Nottinghamshire on the sites which led to the **Timmins v Gedling BC** litigation in the High Court and the Court of Appeal.

Planning Enforcement and Injunctions

Zack regularly appears at enforcement inquiries, s.289 appeals in the High Court, and enforcement prosecutions in the magistrates and Crown courts. He has extensive experience of both prosecuting and defending in proceedings under POCA.

Environment

Zack acts across a wide range of domestic and European environmental law matters, both criminal and civil. He was instructed by the Environment Agency in one of the first public inquiries in the UK under the Environmental Damage Regulations, and acts in a range of appeals under the Environmental Permitting Regulations and other environmental legislation.

Environmental Assessment (Environmental Outcomes)

Zack has particular expertise in Environmental Impact Assessment cases, having contributed to the leading practitioners’ book on the subject, and acted in two of the most significant EIA cases of recent years: in **R (Champion) v North Norfolk DC** [2015] 1 W.L.R. 3710, and **R (Burridge) v Breckland DC** [2013] J.P.L. 1308.

Habitats and Species

Marine Law

Zack has wide experience of marine environmental law. He has worked extensively with the Marine Management Organisation on the productions of marine plans under the Marine and Coastal Management Act 2009. He edits the marine section of *Garner’s*

Environmental Law, and is co-authoring a forthcoming book on marine planning and licensing.

Nuisance

Zack has advised on and acted in a variety of nuisance cases – both private and statutory nuisance – covering matters such as odour, noise, dust, and contamination of soil and groundwater.

Pollution and Contaminated Land

Zack advises extensively on contaminated land matters. He has dealt with some of the country's most complex contaminated sites, advising both on liability issues under the regulatory regimes – including Part 2A – and on structural and contractual aspects of transactions.

Waste

Zack has extensive experience of waste infrastructure planning and environmental permitting. He appeared at appeals for strategic-level facilities at:

- Javelin Park, Gloucestershire, and
- Avonmouth, Bristol.
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Zack is currently promoting the Rolton Kilbride Renewable Energy Centre in Swindon. The inquiry will be heard in early 2019.

Zack has wide experience of advising companies faced with regulatory criminal proceedings in waste and hazardous waste related matters. He advises regularly on the definition of waste, and appeared in **Skrytek v SoS for Energy and Climate Change** [2013] EWCA Civ 1231, an appeal based on the proper interpretation of the waste hierarchy in relation to a proposed waste incineration plant in Derby.

Water

Zack has extensive experience of a variety of matters relating to water resources. In particular, he has acted in Environment Agency prosecutions for offences under the Water Resources Act 1991. He has advised on legal issues arising out of the Water Industry Act 1991. He has advised on the legal implications of groundwater contamination. He has advised extensively in relation to; the rights and liabilities of sewerage undertakers under the Water Industry Act 1991.

Qualifications

- 2006/7 MSc Regulation, London School of Economics: Distinction
- 2003-2006 MA, Cambridge University, Gonville and Caius College: First Class (3rd in University)

Recommendations

"Zack is very commercial and very good with clients. He gives advice in an understandable way." "Zack is brilliant and provides excellent quality of advice. He is also very good at getting the point across and being firm without being unnecessarily aggressive."

Planning, Chambers and Partners, 2024

"Zack is commercially astute, a strong technical lawyer, and very user-friendly. His advocacy skills are first-class and he has excellent commercial judgement. He also knows how and when to apply common sense. Zack is operating at the level of a silk."

Planning, Legal 500, 2024

a KC in all but name.

Planning Magazine Legal Survey, 2023

"He is an absolutely brilliant barrister. Zack is very friendly and provides top-notch advice." "Zack is a go-to junior who has very detailed knowledge of all areas of planning law." "Zack is a master of cross-examination." "He is clear with clients, solutions-focused, and prepared to go the extra mile to deliver."

Planning, Chambers and Partners, 2023

"Zack is fantastic at working with teams, setting and conveying the strategy for the appeal and is also a brilliant advocate. He is incredibly adept at subtly charming concessions out of witnesses, which can be pivotal to the case."

Planning, Legal 500, 2023

"He really knows his stuff and is very user-friendly." "Zack is a standout junior. He is a very sound advocate and always completely up to date on the rapidly emerging developments in planning law." "He is really bright, personable and gets on well with clients."

Planning, Chambers and Partners, 2022

"He really knows his stuff and is very user-friendly."

Environment, Chambers and Partners, 2022

"Zack is very personable and client-friendly. He can explain complex planning issues simply and in plain English, which is a skill that can be lacking at the Bar. He is also extremely enthusiastic about the practice area, which combined with his down to earth 'un-stuffy' attitude makes him a joy to work with."

Planning, Legal 500, 2022

"He is analytical and has a good handle on environmental law." "He is extremely approachable, very knowledgeable and practical in his advice."

Environment, Chambers and Partners, 2021

"He is analytical and has a good handle on environmental law." "He is extremely approachable, very knowledgeable and practical in his advice." "He is extremely good at grasping subjects and seeing the wood for the trees." "Zack works very well with clients and he's always willing to assist."

Planning, Chambers and Partners, 2021

"He maps out the case very well in the first conference, which gives the client confidence he has understood the brief."

Planning, Legal 500, 2021

"A popular name at the Planning Bar." "Punchy, robust and considered." "Extremely knowledgeable, responsive and client-friendly."

Planning, Chambers and Partners, 2020

"Thorough and knowledgeable." "A good advocate and good on paper."

Environment, Chambers and Partners, 2020

"Very bright and approachable", "His advocacy is well prepared and he is also very good in conference with clients", "He is a modern member of the Bar and will go far." "A popular name at the Planning Bar."

Planning, Chambers and Partners, 2019

"His real strength is his advocacy, both in the High Court and in conference."

Planning, Legal 500, 2019

"Excellent and personable", "a popular name at the Planning Bar", "his attention to detail and pragmatism is second to none."

Planning, Chambers and Partners, 2018

"He is hugely articulate, very strong on his feet and one of the brightest juniors at the planning bar." "He has a growing reputation as a senior junior barrister."

Planning Magazine Legal Survey

"A star advocate", "simply brilliant at judicial review work", "a walking case law resource."

Planning Magazine Legal Survey

Cases and inquiries

28 06 24 Court of Appeal clarifies requirement for appropriate assessment in multi-stage consents

02 05 24 Court of Appeal clarifies scope of Murfitt principle

25 03 24 Housing appeal allowed in Hertfordshire Green Belt

30 11 23	Planning permission granted for up to 144 homes in the Green Belt
19 09 23	Colney Heath Planning Inquiry
13 12 21	High Court considers correct interpretation of a Planning Permission
17 07 19	Supreme Court to consider meaning of “material planning consideration”
05 07 18	Javelin Park Inquiry closes
30 05 18	Save Britain's Heritage Victorian Society v Sheffield City Council [2013] EWHC 2456 (Admin)
30 05 18	Sainsbury's Supermarkets Ltd v Uttlesford DC [2012] P.A.D. 33
30 05 18	Shadwell Estates Ltd v Breckland DC & Pigeon [2013] EWHC 12
30 05 18	Colman v Secretary of State for Communities and Local Government [2013] EWHC 1138 (Admin)
30 05 18	R (on the application of Wildie) v Wakefield MDC [2013] EWHC 2769 (Admin)
29 05 18	R (Skrytek) v SSCLG [2013] EWCA Civ 1231
29 05 18	Westminster City Council v Secretary of State for Communities and Local Government [2014] EWHC 708 (Admin)
29 05 18	(1) Gallagher Homes Limited (2) Lioncourt Homes Limited v Solihull Metropolitan Borough Council [2014] EWHC 1283 (Admin)
29 05 18	Secretary of State for Communities and Local Government v Hopkins Homes Ltd, Richborough Estates Partnership LLP v Cheshire East BC [2017] UKSC 37
03 05 18	Supreme Court grants permission to Resilient Energy to appeal on the question of whether a community benefit fund can be a material planning consideration
06 12 17	Dover DC & China Gateway International Ltd v CPRE Kent [2017] UKSC 79
16 10 17	CPRE v Dover District Council [2016] EWCA Civ 936
31 03 17	Persimmon Homes (North East) Ltd v Newcastle City Council [2017] EWHC 688 (Admin)
06 12 16	Boot v Elmbridge Borough Council
16 12 15	CPRE v Dover District Council and China Gateway International [2015] EWHC 3808 (Admin)

17 11 15 Al-Najafi v Secretary of State for Communities and Local Government

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
