

# Landmark Chambers

## Barrister CV

Nick Grant



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## Nick Grant

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Nick specialises in planning and infrastructure, compulsory purchase, and environmental law.

### Expertise

Planning, Environment, Public and Administrative, Property



## Contact Practice Managers

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## Practice Summary

Nick is on the Attorney General's C-panel of counsel and is ranked in the Planning Resource Magazine's top-rated planning juniors and top-rated planning juniors under 35 (top 5), as well as the directories, in the Legal500 as a leading junior in planning and environmental law, and as a "rising star" for local government work.

Nick specialises in planning and infrastructure, compulsory purchase, and environmental law. He is particularly experienced in residential (particularly older persons accommodation) and large energy infrastructure work.

He has appeared at all levels: in public inquiries, the First-tier Tribunal, Upper Tribunal, High Court, Court of Appeal, and Supreme Court. He has appeared as sole counsel in each save for the Supreme Court. He also represented the United Kingdom (again both led and unled) before the UN's Aarhus Convention Compliance Committee. He assisted with the Banner Review of legal challenges to NSIPs.

He is on the Attorney General's C-panel of counsel, is regularly ranked in both *Planning Resource Magazine's* top-rated planning juniors and top-rated planning juniors under 35 (top 10), and in the Legal500 as a leading junior in planning (band 3) and rating/valuation work (band 4).

Prior to starting pupillage, Nick was Judicial Assistant to Lady Justice Arden (now Lady Arden) in the Court of Appeal. Before that, he taught Environmental Law at UCL during his BPTC. While studying for an LLM at Harvard Law School, he was a Senior Editor for the *Harvard Business Law Review Online*, clerked (equivalent to being a Judicial Assistant) for three judges in the Massachusetts Department of Environmental Protection, and represented prisoners before disciplinary tribunals.

He is a contributor to the 4<sup>th</sup> edition of *Friston on Costs* and *A practical guide to planning law and rights of way in National Parks, the Broads, and AONBS* (Law Brief, 2020). He was previously an editor both of *Garner's Environmental Law* and the *Encyclopaedia of Housing Law and Practice*.

Nick is direct access qualified and regularly undertakes pro bono work through [Advocate](#), the [Environmental Law Foundation](#) and the [KCL Human Rights and Environment Clinic](#).

## Planning

Nick has a busy and varied planning practice. He is frequently instructed both on large energy and infrastructure projects and in housebuilding appeals, and is particularly experienced in later years accommodation.

He is on the Attorney General's C-panel of counsel, is regularly ranked in both *Planning Resource Magazine's* top-rated planning juniors and top-rated planning juniors under 35 (top 10), and in the Legal500 as a leading junior in planning (band 3) and rating/valuation work (band 4).

With a solid grounding in property law, he regularly advises developers on knotty legal issues arising from, for example, rights to light, easements, and highways matters.

Recent court work includes:

- ***R (Finch) v Surrey County Council*** [2024] UKSC 20
- All of the challenges to the Home Office's use of disused airfields for asylum accommodation in the High Court and Court of Appeal: ***R (Clarke-Holland) v SSHD*** [2024] ACD 20; ***R (West Lindsey DC) v SSHD*** [2023] EWHC 1400 (Admin); ***Braintree DC v SSHD*** [2023] EWHC 1076 (KB and [2024] 1 WLR 3087 (CA))
- The ongoing challenges to the Whitehaven Coal Mine in Cumbria (***Friends of the Earth v SSCLG*** CO/147/2023 and ***South Lakes Action Against Climate Change*** CO/157/2023), including a key case on disclosure ***Friends of the Earth v SSLUHC*** [2024] JPL 567
- ***CG Fry & Son Ltd v SSCLG*** [2024] PTSR 184 and [2024] EWCA Civ 730 on Habitats Regulations at Condition Discharge Stage
- ***Caldwell v SSHCLG*** [2023] PTSR 2075 and [2024] EWCA Civ 467 on the scope of Enforcement Notices
- ***AHGR v Kane-Laverack*** [2023] JPL 1468 on Live-work units
- ***Harlow DC v Powerrapid Ltd*** [2023] PTSR 1751 on the scope of recoverable costs.

Recent high-profile inquiry work includes:

- Led by Melissa Murphy KC, representing Dorset Council resisting 1,700 homes in Alderholt, Dorset (APP/D1265/W/23/3336518)
- Representing the Central Bedfordshire Council resisting a 180 home scheme in Cranfield, Bedford (APP/P0240/W/24/3343707)
- Representing Churchill Homes in successfully promoting a 38 unit site in Bicester (APP/C3105/W/3287556)
- Representing a Rule 6(6) party in a tall tower inquiry at Manor Road, Ealing (App/A5270/W/21/3268157)
- Representing a Rule 6(6) party in an inquiry into an application to build to warehouses in Rickmansworth (App/P1940/W/21/3289304) [2022] PAD 36
- Led by James Maurici KC, successfully representing the applicant Menter Môn in a four-week TWAO inquiry related to the Morlais project, off the coast of Anglesey (TWA/323412). It is the world's first tidal stream demonstration zone, and remains one of the largest tidal consents in the world
- Led by James Maurici KC, appearing for Berkeley Homes in a four-week call-in inquiry in Kent (APP/M2270/V/21/3273015). Alongside James challenged the refusal (**Berkeley Homes (Eastern Counties) Ltd v SSLUHC** CO/1785/2023)
- Led by James Maurici KC, successfully representing Berkeley Homes in a two-week inquiry in Sevenoaks (APP/G2245/W/23/3316398)
- Led by Charles Banner KC, successfully represented Wates Developments Ltd in their appeal for 140 units on a greenfield site in Bramley, Hampshire (APP/H1705/W/22/3302752).
- Representing the appellant in an appeal against an Enforcement Notice alleging the importance of waste regrading of land and siting of shipping containers (APP/G2245/C/21/3274119)

Recent DCO work includes:

- Promoting the Sunnica Solar Farm DCO
- Representing Natural England in the Lower Thames Crossing DCO
- Representing the CAA in the Luton Airport DCO
- Representing the South Downs National Park Authority in the M3 Junction 9 DCO
- Advising the South Downs National Park Authority in the Rampion 2 DCO

## Compulsory Purchase and Compensation

Recent CPO work includes:

- Led by Rob Walton KC, successfully advising and promoting Dudley MBC in its CPO of Dudley Bus Station
- Led by Neil Cameron KC, appearing for the acquiring authority in a CAAD appeal relating to land in Stratford (**Bashir v London Borough of Newham** [2024] UKUT 146 (LC)) and the associated compensation claim.
- Led by Richard Moules, representing the acquiring authority in compensation claim: **Cane v South Hams District Council** LC-2022-000527

- Representing the acquiring authority in ***Wernick v LB Newham*** LC-2023-000382 (a compensation claim)
- Led by Guy Williams KC, representing the claimants in ***Whitby v Cheshire East BC*** ACQ/135/2020 (a compensation claim)
- Appearing in various TWAO and DCO inquiries which include elements of CPO: the Morlais TWAO inquiry (TWA/323412) and Sunnica Solar Farm DCO (EN010106)
- Led by Tim Corner KC, advising a local authority on various methods to acquire land in order to precipitate a major development.

## Development Contribution: Section 106 and CIL

Recent work includes:

- Advising and appearing for St Albans DC in a hearing against their decision to refuse to vary a s. 106 obligation (APP/B1930/Q/23/3325046). The appeal was withdrawn.
- Advising a Local Authority on recovering sums due under a s. 106 through arbitration.
- Led by Tim Mould KC, drafted proceedings on behalf of a local authority to recover unpaid s. 106 contributions totalling some £3 million. Attended the successful mediation.

## Environment

Nick has appeared in many of the most high-profile environment/planning cases in recent years, including ***Finch*** in the Supreme Court, ***CG Fry & Son Ltd***, and the challenges to the Whitehaven Coal Mine.

Further examples of Nick's environmental law work may be found on his [Environment page](#).

## Highways, Footpaths and Rights of Way

Recent work includes:

- Advising a local authority on a TTRO
- Advising a local authority on its legal powers in relation to E-bikes and E-scooters
- Successfully representing the OMA in a public Rights of Way hearing in Kent (ROW/3280233)
- Representing objectors in a Public Rights of Way Inquiry in Knapton (ROW/3212585)

## Commercial/Retail

Recent work includes:

- Representing a Rule 6(6) party in an inquiry into an application to build two warehouses in Rickmansworth (App/P1940/W/21/3289304) [2022] PAD 36

- Led by Richard Turney, ***R (Tesco Stores Ltd) v Allerdale BC*** [2022] EWHC 2827 (Admin) on the interpretation of the Allerdale BC development plan
- Led by James Maurici KC, advising on a planning application for a major development quarter
- Advising on the use class categorisation of data centres
- Advising Leeds City Council on Certificate of Lawful Existing Use applications made by Leeds Bradford Airport

## Development Consent Orders

Recent work includes:

- Appearing for Natural England during the DCO hearings for the Lower Thames Crossing (TR010032)
- Appearing for the Civil Aviation Authority during the DCO hearings into the expansion of Luton Airport (TR020001)
- Appearing for the South Downs National Park Authority during the DCO hearings for the M3 Junction 9 improvements (TR010055)
- Advising the South Downs National Park Authority on the Rampion 2 Offshore Wind DCO (EN010117)
- Led by Richard Turney, appearing by the applicants in the Sunnica Energy Farm DCO (EN010106)
- Instructed by the Secretary of State to respond to pre-action protocol letters challenging the Portishead Branch Line DCO. No claims were issued

## Development Contracts and Overage

With a mixed background in planning and property, Nick regularly advises on development contracts and overage provisions.

Recent work includes:

- Representing the Royal Borough of Windsor and Maidenhead in a challenge to their refusal to use land purchased under a development contract for a specific purpose: ***R (Pearl) v Royal Borough of Windsor and Maidenhead*** AC-2023-LON-003421
- Advising on various overage agreements

## Development Plans and other planning policy

Recent work includes:

- Representing Berkeley Homes in the Examination in Public of the Tunbridge Wells Local Plan
- Led by Richard Turney, ***R (Tesco Stores Ltd) v Allerdale BC*** [2022] EWHC 2827 (Admin) on the interpretation of the Allerdale BC development plan
- Advising a Local Planning Authority on the preparation of their Local Plan

## Energy

Recent work includes:

- Led by James Maurici KC, successfully representing the applicant Menter Môn in a four-week TWAO inquiry related to the Morlais project, off the coast of Anglesey (TWA/323412). It is the world's first tidal stream demonstration zone, and remains one of the largest tidal consents in the world
- Led by Richard Turney, appearing by the applicants in the Sunnica Energy Farm DCO (EN010106)
- Advising the South Downs National Park Authority on the Rampion 2 Offshore Wind DCO (EN010117)

## Green Belt

Recent work includes:

- **Parton v SSLUHC** CO/4151/2022 – a challenge to an inspector's decision in the Green Belt
- Advising local authorities on various development applications in the Green Belt
- Advising on the Green Belt (London and Home Counties) Act 1938

## Heritage

Recent work includes various proceedings and inquiries in which heritage impacts were in issue:

- Led by Richard Turney, appearing by the applicants in the Sunnica Energy Farm DCO (EN010106)
- Led by Charles Banner KC, successfully represented Wates Developments Ltd in their appeal for 140 units on a greenfield site in Bramley, Hampshire (APP/H1705/W/22/3302752)
- Representing a Rule 6(6) party in a tall tower inquiry at Manor Road, Ealing (App/A5270/W/21/3268157)
- Led by James Maurici KC, appearing for Berkeley Homes in a four-week call-in inquiry in Kent (APP/M2270/V/21/3273015)

## Infrastructure

Recent work includes:

- Led by James Maurici KC, successfully representing the applicant Menter Môn in a four-week TWAO inquiry related to the Morlais project, off the coast of Anglesey (TWA/323412). It is the world's first tidal stream demonstration zone, and remains one of the largest tidal consents in the world
- Led by Richard Turney, appearing by the applicants in the Sunnica Energy Farm DCO (EN010106)
- Advising the South Downs National Park Authority on the Rampion 2 Offshore Wind DCO (EN010117)
- Appearing for Natural England during the DCO hearings for the Lower Thames Crossing (TR010032)
- Appearing for the Civil Aviation Authority during the DCO hearings into the expansion of Luton Airport (TR020001)

- Appearing for the South Downs National Park Authority during the DCO hearings for the M3 Junction 9 improvements (TR010055)
- Advising the South Downs National Park Authority on the Rampion 2 Offshore Wind DCO (EN010117)

## Minerals and Waste

Recent work includes:

- Appearing, unled, for a Rule 6(6) party in a three-week planning inquiry into a proposed energy from waste plant in Horsham, Sussex (APP/P3800/W/18/3218965)
- Advising a local planning authority on joined planning applications to (1) extract minerals and (2) construct a Motorway Service Area.

## Planning Appeals, Inquiries and Hearings

Recent work includes:

- Representing Churchill Homes in successfully promoting a 38 unit site in Bicester (APP/C3105/W/3287556)
- Representing a Rule 6(6) party in a tall tower inquiry at Manor Road, Ealing (App/A5270/W/21/3268157)
- Representing a Rule 6(6) party in an inquiry into an application to build to warehouses in Rickmansworth (App/P1940/W/21/3289304) [2022] PAD 36
- Led by Sasha White KC, successfully representing the promoter of a 200 unit residential scheme at Land North of Ansford Hill (APP/R3325/W/20/3259668)
- Led by Sasha White KC, successfully representing Churchill Homes at various appeals for older persons accommodation, including Land at Havant Road, Drayton APP/Z1775/W/21/328771, and Land at Great Shelford (APP/W0530/W/22/3296300)
- Led by James Maurici KC, appearing for Berkeley Homes in a four-week call-in inquiry in Kent (APP/M2270/V/21/3273015)
- Led by Charles Banner KC, successfully represented Wates Developments Ltd in their appeal for 140 units on a greenfield site in Bramley, Hampshire (APP/H1705/W/22/3302752)
- Nick has also published an article on the role of Counsel at hearings, alongside James Maurici KC and Jenny Vyse: Maurici KC, Vyse and Grant 'The role of Counsel at Planning Appeal Hearings' (2014) JPL 3, 242

## Planning Crime

Recent work includes:

- Advising an enforcing authority on the prosecution of a major regrading of land, including Proceeds of Crime Act implications
- Representing the defendant in a prosecution brought by a London Borough for failing to comply with a planning enforcement notice over six years. The prosecutor indicated he hoped to recover £10,000 plus costs, magistrates awarded £600 plus costs



## Planning Enforcement and Injunctions

Recent work includes:

- Led by Paul Brown KC, appearing for the Secretary of State in successfully resisting the s. 187B injunction at former RAF Wethersfield: **Braintree DC v Secretary of State for the Home Office** [2023] EWHC 1076 (KB) and [2023] 1 WLR 1087 (CA)
- Led by Zack Simons, appearing for the Secretary of State in **Caldwell v SSHCLG** [2023] PTSR 2075 and [2024] EWCA Civ 467 on the scope of Enforcement Notices
- Successfully representing the Appellant in an appeal relating to the use of a flat roof as a terrace in Westminster (APP/X5990/W/23/3322334)
- Successfully representing the Appellant in joined appeals against an enforcement notices relating to the subdivision of houses into HMOs (APP/T5150/C/23/3321125 and 3321126)
- Successfully representing the Appellant in an appeal against an enforcement notice relating to the regrading of land and siting of shipping containers (APP/G2245/C/21/3274119)
- Appearing for Medway Council in an appeal against an enforcement notice relating to the construction of 9 flats in Ingram Road, Gillingham both in the initial hearing and redetermination appeal (APP/A22880/C/21/3280974 and APP/A2880/W/21/3280975)
- Representing the appellants in a two-day inquiry in an s. 174 appeal against an enforcement notice and s. 195 appeal against a refusal to grant a certificate of lawful development (APP/C5690/C/18/3206481 and APP/C5690/X/18/3204048) (subdivision of a dwellinghouse into multiple properties)
- Drafting proceedings and appearing in both the High Court and County Court for injunctions against travellers under s. 187B TCPA 1990

## Planning Judicial and Statutory Reviews

Recent work includes:

- Led by Paul Brown KC, appearing for the Secretary of State in the legal challenges to asylum accommodation on military base cases at Scampton and Wethersfield (**R (Clarke-Holland and Ors) v SSHD** [2024] ACD 20) alongside resisting the s. 187B injunctions at RAF Weathersfield (**Braintree DC v Secretary of State for the Home Office** [2023] 1 WLR 3087 (CA))
- Led by Richard Moules KC, appearing for the Secretary of State in **R (Finch) v Surrey County Council** [2024] UKSC 20 on Environmental Impact Assessment
- Led by Richard Moules KC, appearing for the Secretary of State in **CG Fry Ltd v SSLUHC** [2024] PTSR 184 and [2024] EWCA Civ 730, a case concerning the application of the Habitats Regulations to the discharge of conditions
- Led by Zack Simons, appearing for the Secretary of State in **Caldwell v SSCLG** [2024] EWCA Civ 467 and [2024] EWCA Civ 467 on the extent of the **Murfitt** and **Kestrel Hydro** line of authority

- Led by Richard Honey KC and Richard Moules, appearing for the Secretary of State in two challenges to the Whitehaven Coal mine in Cumbria: **Friends of the Earth v SSLUHC** CO/147/2023 and **South Lakes Action Against Climate Change v SSLUHC** CO/157/2023 This included specific disclosure hearing **Friends of the Earth v SSLUHC** [2024] JPL 567
- Led by Richard Turney, **R (Tesco Stores Ltd) v Allerdale BC** [2022] EWHC 2827 (Admin) on the interpretation of the Allerdale BC development plan
- **R (Phelan) v London Borough of Ealing** CO/391/2022: represented the London Borough of Ealing successfully resisting a claim for judicial review of its new civic centre
- **Mosudisa v SSHCLG** CO/946/2022: represented the defendant successfully resisting a claim for statutory review of an inspector's decision to refuse permission for conversion to multiple residential units
- **Goodman v SSHCLG** CO/1088/2022: represented the defendant successfully resisting a claim for statutory review of the Inspector's decision to refuse permission to change of use from holiday let to permanent C3 usage
- **Diego Doporto Ltd v SSHCLG** CO/1389/2022: represented the claimant in a challenge to the inspector's decision on an enforcement appeal. The matter was settled on favourable terms.

## Residential

Recent work includes:

- Led by Melissa Murphy KC, representing Dorset Council resisting 1,700 homes in Alderholt, Dorset (APP/D1265/W/23/3336518)
- Representing the Central Bedfordshire Council resisting a 180 home scheme in Cranfield, Bedford (APP/P0240/W/24/3343707)
- Representing Churchill Homes in successfully promoting a 38 unit site in Bicester (APP/C3105/W/3287556)
- Representing a Rule 6(6) party in a tall tower inquiry at Manor Road, Ealing (App/A5270/W/21/3268157)
- Led by Sasha White KC, successfully representing the promoter of a 200 unit residential scheme at Land North of Ansford Hill (APP/R3325/W/20/3259668). Successfully defended statutory challenge to the decision (**South Somerset DC v SSLUHC** CO/2298/2022)
- Led by Sasha White KC, successfully representing Churchill Homes at various appeals for older persons accommodation, including Land at Havant Road, Drayton APP/Z1775/W/21/328771, and Land at Great Shelford (APP/W0530/W/22/3296300)
- Led by James Maurici KC, appearing for Berkeley Homes in a four-week call-in inquiry in Kent (APP/M2270/V/21/3273015) Alongside James challenged the refusal (**Berkeley Homes (Eastern Counties) Ltd v SSLUHC** CO/1785/2023)
- Led by James Maurici KC, successfully representing Berkeley Homes in a two-week inquiry in Sevenoaks (APP/G2245/W/23/3316398)
- Led by Charles Banner KC, successfully represented Wates Developments Ltd in their appeal for 140 units on a greenfield site in Bramley, Hampshire (APP/H1705/W/22/3302752)
- Representing Berkeley Homes in the Examination in Public of the Tunbridge Wells Local Plan

## Transport Orders and Parliamentary Bills

Recent work includes:

- Led by James Maurici KC, representing the Applicant Menter Môn in a three-week TWAO inquiry related to the Morlais project, off the coast of Anglesey (TWA/323412). This involved numerous issues of onshore and offshore ecology

## Environment

Nick is on the Attorney General's C-panel of counsel, is regularly ranked in both *Planning Resource Magazine's* top-rated planning juniors and top-rated planning juniors under 35 (top 10), and in the Legal500 as a leading junior in planning (band 3) and rating/valuation work (band 4).

He studied environmental law in both the UK and USA, and taught environmental law at UCL as a Teaching Fellow prior to coming to the bar.

Recent and ongoing work includes:

- Appearances before the UN's Aarhus Convention Compliance Committee on behalf of the UK. Nick appeared unled in the admissibility of Communication ACCC/C/2022/194 (UK) (concerning the application of Article 8 to Free Trade Agreements) and was led by James Maurici KC in the hearing on communication ACCC/C/2017/150 (UK) (concerning the application of Article 8 to the European Union (Withdrawal) Bill 2017)
- Successfully representing the Environment Agency in an appeal against its refusal to grant a waste licence (APP/EPR/661)
- Important Court cases on environmental impacts. For example, led by Richard Moules KC, Nick represented the Secretary of State in the Supreme Court case of ***R (Finch) v Surrey County Council*** [2024] UKSC 20 (on the scope of Environmental Impact Assessment); ***CG Fry Ltd v SSLUHC*** [2024] PTSR 184 and [2024] EWCA Civ 730 (on Habitats Regulations Assessment at condition discharge stage); and the various challenges to the Whitehaven Coal Mine (***Friends of the Earth v SSCLG*** CO/147/2023 and ***South Lakes Action Against Climate Change*** CO/157/2023, also led by Richard Honey KC).
- Successfully representing the Environment Agency in a water abstraction appeal concerning the River Wensum (APP/Wat/594)
- Various DCOs which concerned environmental issues and impacts. For example, Nick represented Natural England in the Lower Thames Crossing DCO; South Downs National Park Authority in the M3 Junction 9 DCO; and the Civil Aviation Authority in the Luton Airport DCO
- Various planning inquiries which concerned environmental issues and impacts. Cases include: representing Churchill Homes in successfully promoting a 38 unit site in Bicester (APP/C3105/W/3287556); (led by James Maurici KC) successfully representing the applicant Menter Môn in a four-week TWAO inquiry into the Morlais project, the world's first Tidal Stream Demonstration Zone (TWA/323412); (led by James Maurici KC) appearing for Berkeley Homes in a four-week call-in inquiry in Kent (APP/M2270/V/21/3273015)

Nick is a member of the UK Environmental Law Association, the Planning and Environment Bar Association and previously contributed to *Garner's Environmental Law*.

## Aarhus Convention and Environmental Justice

Nick regularly advises on Aarhus Convention matters. He has twice represented the UK before the Aarhus Convention Compliance Committee:

- He appeared unled for the UK in the admissibility hearing to Communication ACCC/C/2022/194 (UK) (concerning the application of Article 8 to Free Trade Agreements)
- Led by James Maurici KC, he appeared for the UK in the hearing on Communication ACCC/C/2017/150 (UK) (concerning the application of Article 8 to the European Union (Withdrawal) Bill 2017)

Alongside James Maurici KC, Jacqueline Lean and Alex Shattock he edits and contributes to the Landmark Chambers Aarhus Convention blog.

## Air Quality

Nick regularly appears in planning inquiries and DCO hearings where air quality, and its impacts on local people and natural receptors, is put in issue. For example:

- Led by James Maurici KC, appearing for Berkeley Homes in a four-week call-in inquiry in Kent (APP/M2270/V/21/3273015)
- A 3 week planning inquiry into a proposed energy from waste plant in Horsham, Sussex (APP/P3800/W/18/3218965)
- Representing Natural England in the Lower Thames Crossing DCO

## Climate Change and Emissions Trading

Nick regularly acts in cases and inquiries which concern climate change and the UK's regime for achieving net zero. Recent examples include:

- Advising and representing the Environment Agency in various appeals under the F-Gas Regulation
- Led by Richard Moules KC, appearing for the Secretary of State in ***R (Finch) v Surrey County Council*** [2024] UKSC 20 on Environmental Impact Assessment
- Led by Richard Honey KC and Richard Moules, appearing for the Secretary of State in two challenges to the Whitehaven Coal mine in Cumbria: ***Friends of the Earth v SSCLG*** CO/147/2023 and ***South Lakes Action Against Climate Change*** CO/157/2023
- Led by Richard Turney, appearing by the applicants in the Sunnica Energy Farm DCO (EN010106)
- Instructed by the Secretary of State to respond to pre-action protocol letters challenging the Portishead Branch Line DCO. No claims were issued
- A three-week planning inquiry into a proposed energy from waste plant in Horsham, Sussex (APP/P3800/W/18/3218965)

- Working as part of the government's team (led by James Maurici KC), responding to the written intervention of WWF in the recent Heathrow expansion case (in ***R (Plan B Earth) v Secretary of State for Transport*** [2020] EWCA Civ 214), focusing on arguments relating to the incorporation and meaning of “sustainable development” in international law

## Ecology and Biodiversity

Nick has been in some of the most important cases, inquiries and DCO hearings on ecology and biodiversity, particularly on Biodiversity Net Gain and the Habitats Regulations. Recent examples include:

- Led by Richard Moules KC, appearing for the Secretary of State in ***CG Fry Ltd v SSLUHC*** [2024] PTSR 184 and [2024] EWCA Civ 730
- Representing Natural England in the Lower Thames Crossing DCO
- Representing a Rule 6(6) party in an inquiry into an application to build warehouses in Rickmansworth (App/P1940/W/21/3289304) [2022] PAD 36. This included challenges to the Appellant's biodiversity assessment
- Led by James Maurici KC, successfully representing the applicant Menter Môn in a four-week TWAO inquiry related to the Morlais project, off the coast of Anglesey (TWA/323412). It is the world's first tidal stream demonstration zone, and remains one of the largest tidal consents in the world. The impact of untested technology on sensitive sites and animals was a key part of the inquiry
- Led by James Maurici KC, appearing for Berkeley Homes in a four-week call-in inquiry in Kent (APP/M2270/V/21/3273015)

## Energy

Nick's recent energy works include:

- Led by James Maurici KC, successfully representing the applicant Menter Môn in a four-week TWAO inquiry related to the Morlais project, off the coast of Anglesey (TWA/323412). It is the world's first tidal stream demonstration zone, and remains one of the largest tidal consents in the world
- Led by Richard Turney, appearing by the applicants in the Sunnica Energy Farm DCO (EN010106)
- Advising the South Downs National Park Authority on the Rampion 2 Offshore Wind DCO (EN010117)
- Advising on the decommissioning of nuclear sites.

## Environmental Assessment (Environmental Outcomes)

Recent work includes:

- Led by Richard Moules KC, appearing for the Secretary of State in the Supreme Court hearing in ***R (Finch) v Surrey County Council*** [2024] UKSC 20
- Led by Paul Brown KC, representing the Home Secretary in ***R (Clarke-Holland and Ors) v SSHD*** [2024] ACD (20)
- Led by Richard Honey KC and Richard Moules, appearing for the Secretary of State in two challenges to the Whitehaven Coal mine in Cumbria: ***Friends of the Earth v SSCLG*** CO/147/2023 and ***South Lakes Action Against Climate Change***

CO/157/2023.

## Environmental Regulation

- Advising and representing the Environment Agency in various appeals under the F-Gas regulation

## Habitats and Species

Recent work includes:

- Led by Richard Moules KC, appearing for the Secretary of State in **CG Fry Ltd v SSLUHC** [2024] PTSR 184 and [2024] EWCA Civ 730
- Representing Natural England in the Lower Thames Crossing DCO
- Representing a Rule 6(6) party in an inquiry into an application to build to warehouses in Rickmansworth (App/P1940/W/21/3289304) [2022] PAD 36. This included challenges to the Appellant's biodiversity assessment and assessment of protected species
- Led by James Maurici KC, successfully representing the applicant Menter Môn in a four-week TWAO inquiry related to the Morlais project, off the coast of Anglesey (TWA/323412). It is the world's first tidal stream demonstration zone, and remains one of the largest tidal consents in the world. The impact of untested technology on sensitive sites and animals was a key part of the inquiry
- Led by James Maurici KC, appearing for Berkeley Homes in a four-week call-in inquiry in Kent (APP/M2270/V/21/3273015)

## Nuisance

Recent work includes

- Advising homeowners flooded due to works undertaken by neighbours
- Advising local residents on noise nuisance arising from the construction of a factory.

## Waste

Recent work includes:

- Successfully representing the Environment Agency in an appeal against its refusal to grant a waste licence (APP/EPR/661)
- Representing the appellant in an appeal against an Enforcement Notice alleging the importation of waste, regrading of land and siting of shipping containers (APP/G2245/C/21/3274119)
- Successfully represented the Secretary of State in **R (Fowles Crushed Concrete Ltd) v SSEFRA** CO/1538/2022, concerning an attempt to JR an environmental permitting decision. Recovered pre-action costs in addition to normal costs award
- Appearing, unled, for a Rule 6(6) party in a three-week planning inquiry into a proposed energy from waste plant in Horsham, Sussex (APP/P3800/W/18/3218965)

## Water

Recent work includes:

- Successfully representing the Environment Agency in a water abstraction appeal concerning the River Wensum (APP/Wat/594)
- Advising a Local Planning Authority on their water policies
- Advising on the water implications from coal mine water

## Wildlife

Aside from Habitats and Species covered by the Habitats Regulations (see above), recent work includes:

- Successfully representing the Secretary of State in **Akrill v SSEFRA** AC-2023-LON-003382, an application for judicial review to cease badger culling.
- Representing a Rule 6(6) party in an inquiry into an application to build warehouses in Rickmansworth (App/P1940/W/21/3289304) [2022] PAD 36, where one of the issues was biodiversity and an endangered butterfly.

## Public and Administrative

He is on the Attorney General's C-panel of counsel, is regularly ranked in both *Planning Resource Magazine's* top-rated planning juniors and top-rated planning juniors under 35 (top 10), and in the Legal500 as a leading junior in planning (band 3) and rating/valuation work (band 4).

Nick is regularly instructed on a variety of public and administrative law matters. Recent instructions include:

- Led by John Litton KC, appearing for the successful defendant in resisting judicial review of its decision to close Doncaster Sheffield Airport: **R (Doncaster MBC) v Doncaster Sheffield Airport Ltd** [2022] EWHC 3060 (Admin), [2023] A.C.D. 21 (Fordham J)
- Led by Justin Bates, appearing in **Hussain v Waltham Forest LBC** [2023] EWCA Civ 733, [2024] KB 154 on the scope of the First-tier Tribunal's jurisdiction when hearing appeal from licensing decisions.
- Appearing for the Valuation Officer before the Upper Tribunal in **Nelson Plant Hire Ltd v Bunyan (VO)** [2023] RA 29.
- Representing the Listing Officer before the High Court in **Clarke v Bunyan** [2024] RA 137 – a Council Tax appeal from the VTE.
- Advising on the Secretary of State's funding powers to deliver major projects in Scotland, Wales, and Northern Ireland
- Successfully representing the Listing Officer in the VTE an appeal against the LO's decision to list a hereditament as self-contained units (**Godwin v Virk** (2022) VT00001528).

He is also regularly asked to give procurement and state aid training to a number of clients, including local authorities. He is a member of the Administrative Law Bar Association.

## Energy and Utilities

Recent work includes:

- Led by James Maurici KC, successfully representing the applicant Menter Môn in a four-week TWAO inquiry related to the Morlais project, off the coast of Anglesey (TWA/323412). It is the world's first tidal stream demonstration zone, and remains one of the largest tidal consents in the world
- Led by Richard Turney, appearing by the applicants in the Sunnica Energy Farm DCO (EN010106)
- Advising the South Downs National Park Authority on the Rampion 2 Offshore Wind DCO (EN010117)

## EU Law post-Brexit

Nick regularly advises on matters arising from EU law post Brexit, particularly in the planning and environmental context given his expertise in these areas. Recent cases include appearing for the Secretary of State in ***CG Fry Ltd v SSLUHC*** [2024] PTSR 184 and [2024] EWCA Civ 730, a case concerning the application of the Habitats Regulations at condition discharge stage.

## High Court Planning

Examples of Nick's High Court planning work may be found on his [Planning page](#).

## Highways and Public Rights of Access

Recent work includes:

- Advising a local authority on a TTRO
- Advising a local authority on its legal powers in relation to E-bikes and E-scooters
- Successfully representing the OMA in a public Rights of Way hearing in Kent (ROW/3280233)
- Representing objectors in a Public Rights of Way Inquiry in Knapton (ROW/3212585)

## International

Recent work includes:

- Appearances before the UN's Aarhus Convention Compliance Committee on behalf of the UK. Nick appeared unled in the admissibility of Communication ACCC/C/2022/194 (UK) (concerning the application of Article 8 to Free Trade Agreements) and was led by James Maurici KC in the hearing on communication ACCC/C/2017/150 (UK) (concerning the application of Article 8 to the European Union (Withdrawal) Bill 2017)



- Working as part of the government’s team (led by James Maurici KC), responding to the written intervention of WWF in the recent Heathrow expansion case (in ***R (Plan B Earth) v Secretary of State for Transport*** [2020] EWCA Civ 214), focusing on arguments relating to the incorporation and meaning of “sustainable development” in international law

## Judicial Review

Other than planning and environmental judicial reviews (for which, please see the “[Planning](#)” and “[Environment](#)” tabs), recent work includes:

- Led by John Litton KC, appearing for the successful defendant in resisting judicial review of its decision to close Doncaster Sheffield Airport: ***R (Doncaster MBC) v Doncaster Sheffield Airport Ltd*** [2022] EWHC 3060 (Admin), [2023] A.C.D. 21 (Fordham J)
- An application for judicial review of a decision to re-district parishes near Taunton: ***Cheddon Fitzpaine Parish Council v Somerset County Council*** CO/4349/2022

## Property

Nick has been instructed on the full spectrum of property matters, much of which supports his continuing planning and CPO work.

Notable work includes:

- Representing the successful Respondent, unled, in ***Marlborough Knightsbridge Management Ltd v Fivaz*** [2021] EWCA Civ 989, [2021] 1 WLR 4345 which concerns the oft-disputed meaning of “landlord’s fixtures”
- Led by Myriam Stacey KC, ***AHGR Ltd v Kane-Laverack*** in the Court of Appeal ([2023] EWCA Civ 428, [2023] JPL 1468) High Court ([2022] EWHC 2025 (Ch) and County Court– the leading case on the meaning of live/work permissions
- Led by Justin Bates, ***Hussain v Waltham Forest LBC*** [2023] EWCA Civ 733, [2024] KB 154 on the ambit of the “fit and proper person” test and the appropriate approach taken by Tribunals to findings of fact by local authorities
- Led by Justin Bates, ***Hussain v Waltham Forest LBC*** [2019] UKUT 339 (LC) and [2020] EWCA 1539, [2021] 1 WLR 922 a case concerning the application of the Rehabilitation of Offenders Act 1974 to local authority HMO licensing decisions
- Advising developers on rights to light liability and strategies
- Drafting proceedings and appearing before the High Court to obtain injunctions requiring the removal of travellers.

## Costs Litigation

Nick is one of the few planning barristers who has also practised in costs law. He is a contributor to the forthcoming 4<sup>th</sup> edition of *Friston on Costs* and represented the successful claiming party in in ***Powerrapid v Harlow DC*** both in the High Court ([2023]

EWHC 586 (KB), led by Jamie Carpenter KC) and Senior Courts Costs Office ([2022] RVR 145, unled).

In light of his environmental, planning, and CPO expertise, he regularly advises on costs matters in these areas. Recent work includes:

- The ***Powerrapid*** cases, above
- Advising on recoverable quantum following an award of costs in a planning inquiry
- Advising a Parish Council on its entitlement to Aarhus costs protection
- Advising acquiring authorities on how to mitigate costs risks arising from a CPO compensation reference
- Examining the basis of costs at permission stage in a judicial or statutory review, and whether that is compliant with the Aarhus convention.

In addition, Nick has experience of detailed assessment hearings, advising on Bills, PODs and replies, arguments concerning the entitlement to interest on costs and at what levels, issues arising from non-party costs orders, and obtaining and/or setting aside default cost certificates.

## Energy

Nick's notable energy and infrastructure work includes:

- Led by James Maurici KC, successfully representing the applicant Menter Môn in a four-week TWAO inquiry related to the Morlais project, off the coast of Anglesey (TWA/323412). It is the world's first tidal stream demonstration zone, and remains one of the largest tidal consents in the world.
- Led by Richard Turney, instructed by the applicants in the Sunnica Energy Farm DCO (Ref EN010106).
- Appearing, unled, for a Rule 6(6) party in a 3-week planning inquiry into a proposed energy from waste plant in Horsham, Sussex (APP/P3800/W/18/3218965).

## EU Law post-Brexit

Nick regularly advises on matters arising from EU law post Brexit, particularly in the planning and environmental context given his expertise in these areas. Recent cases include appearing for the Secretary of State in ***CG Fry Ltd v SSLUHC*** [2023] EWHC 1622 (Admin), a case concerning the application of the Habitats Regulations at condition discharge stage.

## Qualifications

- University College London – LLB (First Class)

- Harvard Law School – LLM
- BPP University – BPTC

## Recommendations

"One to watch – very bright and excellent at drafting compelling and persuasive arguments."

**Planning, Legal 500, 2024**

"Nick provides clear and comprehensive advice."

**Environment, Legal 500, 2024**

"Very strong written and oral advocacy."

**Local Government (including Rating law) Legal 500, 2024**

"Nick is very personable and works well with client teams. He has a thorough grasp of the cases he advises on, and his advocacy skills are excellent. He calmly and confidently takes clients through the case."

**Planning, Legal 500, 2023**

## Cases and inquiries

13 09 24	High Court Quashes Whitehaven Coal Mine Permission
10 09 24	Dorset housing appeal dismissed
15 07 24	Secretary of State grants Sunnica Solar Farm DCO
28 06 24	Court of Appeal clarifies requirement for appropriate assessment in multi-stage consents
20 06 24	Supreme Court requires assessment of downstream environmental effects - Finch v Surrey CC [2024] UKSC 20
02 05 24	Court of Appeal clarifies scope of Murfitt principle
07 12 23	High Court dismisses challenges to government's use of former airfields to accommodate asylum seekers
14 06 23	High Court to consider Habitats Regulations requirements at condition discharge stage

09 03 23 Nutrient neutrality at condition discharge stage

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01 12 22 R (Doncaster MBC) v Peel L & P Investments [2022] EWHC 3060 (Admin)

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## Publications

Maurici KC, Vyse and Grant 'The role of Counsel at Planning Appeal Hearings' (2014) JPL 3, 242

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'Live/Work units: planning matters in property law' (2022) 26 L&T Rev 5, 192

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'Mandating corporate environmental responsibility through a new directors' duty' (2015) *Environmental Law Review* 17(4), -252-265

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Former contributor to *Garner's Environmental Law*

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Former Assistant Editor of the *Encyclopaedia of Housing Law and Practice*

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*A practical guide to planning law and rights of way in National Parks, the Broads, and AONBS* (Law Brief, 2020)

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Contributor to *Friston on Costs* (4<sup>th</sup> Ed, upcoming)

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