

Landmark Chambers

Barrister CV

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Richard Turney KC

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Richard specialises in planning, environmental and public law.

Expertise

Planning, Environment, Property, Public and Administrative, Rating and Valuation



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Practice Summary

Richard has a broad court, inquiry and advisory practice and a wide client base, including major developers and landowners, central Government, local authorities, NGOs, and individuals. His experience as an advocate spans every level of court and tribunal from the magistrates to the Supreme Court.

He is appointed to the Attorney General's A Panel of Junior Counsel. He is also consistently ranked as a top junior in planning and environmental law in the directories.

In 2019 and 2020, Planning Magazine ranked him as the top planning junior at the Bar, being described by one solicitor as *"one of the best advocates of his generation"*.

Richard previously taught public law as a tutor and lecturer at Cambridge, SOAS and UCL. He now regularly gives lectures and training in all areas of his practice.

Prior to joining the Bar, Richard worked as a research assistant at the Law Commission during which time he worked on projects relating to the reform of the Housing Acts and the regulation of residential landlords, as well as monetary remedies in public law.

Planning

Richard has a “*great reputation for his regular court and inquiry appearances tackling statutory challenges, judicial reviews and criminal or environmentally implicated planning cases*” (Chambers and Partners).

He has an extensive advisory practice, and covers all types of development from the very largest infrastructure schemes to the smallest household developments. For five years he was ranked in the top five juniors under 35 years old in Planning Magazine, and is now ranked as the number one planning junior at the Bar.

Commercial/Retail

Richard has acted for the developers of various retail and commercial developments, including promoting a “local centre” in Nottinghamshire and acting on retail-led CPOs in Derbyshire, Sunderland and Croydon.

He acted for the Nishkam School Trust in defending their planning permission for a new faith-based Free School in Hounslow. He has acted for hotel operators, restaurateurs and publicans. He has appeared in a number of cases relating to the redevelopment of public houses, and in particular the designation of such premises as Assets of Community Value under the Localism Act 2011.

Compulsory Purchase and Compensation

CPO and regeneration

Richard has advised on some of the largest London regeneration schemes in recent years.

Notably, he acted for the London Borough of Hammersmith and Fulham on the Earls Court regeneration scheme (led by Russell Harris KC) which is expected to deliver around 7,500 new homes. Since 2013, Richard has been acting for the London Borough of Croydon on the £1.4bn Whitgift Centre redevelopment (led by David Elvin KC), including promoting a CPO (through joint instructions from Westfield and Hammerson) for the acquisition of the existing shopping centre.

Richard has advised on a number of estate regeneration schemes throughout London. He also regularly advises on CPO implementation and on land compensation matters.

Development Contribution: Section 106 and CIL

Richard advises on the drafting and enforcement of s 106 agreements and on CIL liabilities. He has particular experience of affordable housing obligations and viability issues. He acted for the landowners in **Medway v SSCLG**, the first reported case on s 106BA TCPA 1990, and successfully defended the removal of their obligation to pay a commuted sum of over £1m. He is acting for the local planning authority in a claim for the recovery of over £500,000 in unpaid affordable housing contributions, first in the Chancery Division and now in the Court of Appeal.

Infrastructure

Richard's infrastructure work spans all sectors including energy, transport and water. The directories have described Richard as *"an infrastructure specialist who attracts significant praise from market sources"* and *"well versed in infrastructure matters relating to a wide variety of sectors"*.

From 2012 to 2016, Richard was instructed by the Department of Transport as part of the team of Counsel (led by Tim Mould KC) to promote Phase 1 of High Speed 2 through a hybrid Bill. This work included:

- Defending the decision to promote HS2 in the Supreme Court
- Advising on the environmental assessment of the scheme
- Advising on overall strategy, environmental policies (including noise policies) and land acquisition
- Supporting negotiations with petitioners
- Appearing on numerous occasions for the Promoter in the Select Committees in the House of Commons and House of Lords.

He has been involved in the NSIP regime under the Planning Act 2008 regime since its inception:

- Acting for National Grid on its North Wales Connection project
- Promoting Fieldes Lock power station DCO for Veolia Environmental Services (UK) plc (subsequently withdrawn)
- Advising on the implications of the Rookery South DCO for waste procurement processes
- Acting for the claimant in the first legal challenge to a DCO (Heysham to M6 link road)
- Appearing for the London Borough of Hammersmith and Fulham and for St James Group Limited at the Thames Tideway Tunnel DCO examinations
- Appearing for Natural England at the Burbo Bank Extension offshore windfarm DCO examination.
- Editing the *Planning Encyclopedia's* commentary on the Planning Act 2008.

Richard has recently been engaged by Network Rail to promote two Transport and Works Act Orders relating to the closure of level crossings in East Anglia. Other infrastructure work includes acting for objectors to a Water Resources Management Plan, and appearing in the High Court in legal challenges to infrastructure consents, such as Buckinghamshire County Council's Energy from Waste facility (led by David Elvin KC), and London City Airport (led by Simon Pickles).

Planning Enforcement and Injunctions

Richard has appeared at over 40 enforcement inquiries and hearings and in some of the leading enforcement cases in the High Court in recent years.

His enforcement caseload has varied from minor householder developments, to digital advertising boards, to large industrial buildings. He has acted for local authorities, landowners and neighbours. He has obtained and resisted injunctions and defended and prosecuted planning and environmental cases in the Crown Court and magistrates' court, including recovery of the proceeds

of crime. His enforcement work has included numerous listed building/heritage matters.

Richard has particular experience of noise related enforcement matters, and recently appeared for the successful appellants in a high profile appeal against a noise abatement notice relating to piano practice in a house in central London. He has also recently acted for local authorities and a major restaurant operator on noise nuisance matters.

Residential

Richard has a growing developer practice (inquiry, High Court and advisory), including:

- Acting for the promoters of Dunsfold Park, a 1,800+ home new village in Surrey (led by Christopher Katkowski KC)
- Obtaining permission following an Inquiry for 90 homes in an ancient woodland clearing in Kent
- Defending in the High Court the grants of planning permission for a large residential-led scheme in Marylebone, and an affordable housing scheme in Cornwall
- Advising Thakeham Homes on their 600 house scheme within an AONB at Pease Pottage (with [David Elvin KC](#))
- Acting for a large number of clients on office to residential conversion schemes.

Richard advised DCLG on the early implementation of the NPPF by Inspectors and has acted for the Secretary of State and other parties on several challenges to the interpretation of national policy relating to housing delivery. In recent years he has worked extensively on matters relating to affordable housing viability and delivery.

Richard acts for local planning authorities and local residents seeking to influence development in their area and regularly appears at housing inquiries for LPAs and rule 6 parties. His residential practice also includes acting for homeowners developing their own properties (including through permitted development rights).

Environment

Richard's practice is underpinned by a strong understanding of environmental law and practice. As well as advising on EIA and habitats implications of major schemes, he has appeared in the High Court and appellate courts on numerous environmental challenges. Notable work includes:

- Quashing the grant of planning permission for 500 homes in Oxfordshire on EIA grounds
- Quashing the grant of planning permission for residential development in the setting of a Grade 1 listed castle
- Resisting at a public inquiry on heritage grounds the construction of a large solar farm
- Challenging the implementation of Defra's Badger Cull on behalf of the Humane Society International. Richard is currently acting on two further challenges to badger culling in England.

His environmental advisory work has included acting for waste operators, owners of contaminated land, and victims of nuisance, covering both public and private law remedies.

Environmental Enforcement

Richard regularly acts for the Environment Agency in waste and pollution enforcement matters, including appearing at inquiries concerning the definition of waste and implementation of the Water Framework Directive.

Property

Richard's property work relates closely to his planning and environmental practice and includes:

- Proceedings in respect of nuisance and trespass arising out of the development of land
- Disputes in respect of s106 agreements
- Rights of light and restrictive covenants
- Public sector land transactions
- Disputes arising out of development or overage agreements where planning issues arise.

Richard recently acted for the claimant local planning authority in four day Chancery Division trial arising out of the failure of a developer to pay affordable housing commuted sums (led by Neil King KC): ***York City Council v Trinity One (Leeds) Ltd*** [2017] EWHC 318 (Ch).

Richard also has experience of general property litigation in the county courts.

Public and Administrative

Richard's public law work has included:

- Acting for the applicant in ***RP v United Kingdom*** [2013] 1 F.L.R. 744, concerning the role of the Official Solicitor in care proceedings (led by Nathalie Lieven KC)
- Successfully challenging (by way of judicial review) funding decisions by the Legal Services Commission
- Appearing before a Private Bill Committee in the House of Commons for the Kennel Club in petitioning against the City of London Corporation (Open Spaces) Bill and obtaining an amendment to the Bill relating to freedom of information
- Acting for TfL and other public authorities in striking out private law proceedings relating to regulatory functions
- Advising on negligence actions against public authorities relating to planning and environmental decisions
- Obtaining an extended civil restraint order on behalf of a local authority against a vexatious litigant and striking out proceedings against other public authorities by another vexatious litigant.
- Appearing in information rights appeals in the First-tier Tribunal.
- Regulatory prosecutions in the criminal courts (eg under HMO licensing legislation)

- Advising government departments and local authorities on a wide range of issues including public procurement, FOI, council tax, constitutional matters and members' conduct.

Immigration

Richard regularly acts for both claimants and the Secretary of State in immigration matters in the First Tier Tribunal, Upper Tribunal and High Court.

NHS, Health and Community Care

Richard acted for the British Pregnancy Advisory Service in its claim for a declaration in respect of the proper interpretation of the Abortion Act 1967 (led by Nathalie Lieven KC). In professional regulatory matters, he has acted in judicial review proceedings for the General Dental Council and against the General Pharmaceutical Council, including obtaining urgent relief to prevent the closure of a pharmacy.

Procurement and Subsidy Control

Richard advises public authorities and operators on all aspects of public procurement law. His particular specialism relates to procurement in the context of infrastructure and the development of land by public authorities. As a member of the Attorney General's A Panel, he regularly advises central government on procurement issues. Recent experience includes:

- Advising DCMS on procurement issues in the telecoms sector
- Advising a central government department on contractual issues arising from a high profile procurement process for provision of services
- Advising on local authorities on procurement and State Aid issues from compulsory purchase and planning processes for town centre and estate regeneration schemes
- Advising on a proposed challenge to a procurement process in the education sector.

Social Security

Richard appears in the tribunals and the High Court and appellate courts in social security matters, for the DWP and for claimants and others:

- He acted for the Child Poverty Action Group (led by Richard Drabble KC) in House of Lords in *Zalewska*, concerning the issue of social security entitlements for EU accession state workers
- He appeared in the Court of Appeal and CJEU on the interpretations of the Citizenship Directive in *Lassal* (led by Richard Drabble KC)
- He appeared in the Supreme Court on the recovery of social security overpayments in *CPAG* (led by Richard Drabble KC).

Rating and Valuation

Richard has acted for both ratepayers and the Valuation Officer in ratings cases, often in respect of complex hereditaments. He appeared for ratepayer in the Upper Tribunal in *Esso Petroleum v Walker (VO)* (led by Neil King KC) and has advised the HMRC on appeals relating to Harrods (led by Daniel Kolinsky KC), Tata Steel (led by Daniel Kolinsky KC) and Anglian Water (led by Tim Morshead KC). He has appeared for ratepayers in the magistrates' courts and Valuation Tribunal.

ADR

Richard is a Member of the Chartered Institute of Arbitrators having obtained a qualification in International Arbitration.

Recommendations

"Richard Turney is confident on his feet, charming and has lots of experience as an advocate." "Richard has great knowledge of the infrastructure world. His advocacy is very good and meticulous; he is a valued member of the team."

Planning, Chambers and Partners, 2024

"He's a very impressive advocate."

Environment, Chambers and Partners, 2024

"He is a planning and environmental expert."

Environment, Chambers and Partners, 2023

"Truly exceptional, his analytical and technical skills are superb, and he is a compelling advocate with a really incisive and persuasive style."

Environment, Legal 500, 2023

"Richard is truly exceptional. His analytical and technical skills are superb and he is a compelling advocate with a really incisive and persuasive style. He combines this with practical advice and willingness to help and support the wider project team. Clients are always really impressed."

Planning, Legal 500, 2023

"Richard is very bold and incisive in his advice and extremely good on his feet." "He is extremely good at getting to the heart of the issue and putting the client at ease." "He has the presence and gravitas of a silk."

Planning, Chambers and Partners, 2022

"Calm, efficient and good at explaining complex concepts, he can also put difficult cases with force, tirelessly supporting his clients."

Environment, Legal 500, 2022

"Q[K]C eminence is now surely imminent. A joy to work with and his cross-examination style and his written advice in major cases has been exceptional."

Planning, Legal 500, 2022

"His broad-level strategic advice is completely sound and he's pragmatic." "He is super efficient and organised, and he has a very nice manner with clients."

Planning, Chambers and Partners, 2021

"An experienced advocate." "He is a team player who takes the initiative."

Environment, Chambers and Partners, 2021

"He is agile on his feet and will read the direction of travel in the court and adjust accordingly." "He is unbelievably sharp and switched-on, and a consistent top performer on or off his feet in any forum."

Planning, Chambers and Partners, 2020

"A fantastic advocate, very user-friendly, commercial and always gets the answer right."

Environment, Chambers and Partners, 2020

Cases and inquiries

07 03 24	Secretary of State Grants Development Consent Order for the A66 Northern Trans-Pennine Project
16 11 23	Secretary of State grants permission on appeal for new £300m Category B prison to meet national need
02 06 23	Completion of the Public Examination into the Development Consent Order for the A66 Northern Trans-Pennine Project
27 02 20	R (Heathrow Hub Ltd) v. Secretary of State for Transport [2020] EWCA Civ 213
05 12 19	Guildford Local Plan challenges rejected
04 11 19	High Court to hear Guildford Local Plan challenges
16 10 19	High Court quashes planning permission for Waste Transfer and Treatment Facility in Widnes
15 10 19	Heathrow expansion judicial review hearings to begin in the Court of Appeal

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05 07 18	Bakersfield, Rainham
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05 07 18	Beech Cottage, Odiham
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05 07 18	Cranbourne Close, Slough
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05 07 18	Whitgift Centre CPO
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05 07 18	Horsham Local Plan Examination
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05 07 18	Haine Road, Ramsgate
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05 07 18	Chesham Arms, Hackney
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05 07 18	Boon v Environment Agency
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05 07 18	Luddington Golf v Environmental Agency
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05 07 18	Snare and Trap Public House, South Molton
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05 07 18	Buttercrook Wharf, Hoo St Werburgh
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05 07 18	Stonehill Piggery, Dunstall Green
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05 07 18	Burbo Bank Extension Offshore Windfarm DCO
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05 07 18	Hacheston, Suffolk
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05 07 18	1-13 Park Street, Borough Market
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05 07 18	Thames Tideway Tunnel DCO examination
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05 07 18	Blackheath Cottage, Guildford
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05 07 18	Stapleford Farm, Dorset
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05 07 18	Medway Core Strategy Examination
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05 07 18	Sydenham Scrap Metals, Burnham Way, Lower Sydenham
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05 07 18	Windsor Drive, High Wycombe
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05 07 18	Spring Farm Barn, Waltham Cross
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05 07 18	Hayes Wood Avenue, Bromley
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05 07 18	Manor Park Farm, Buckingham
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05 07 18	Merlin Park, Portishead
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05 07 18	1 Whites Cottages, Bromley
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05 07 18	Whitchurch, Buckinghamshire
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05 07 18	Tin Pot Public House, Hertfordshire
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05 07 18	Little Beach Farm, Wadhurst
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05 07 18	Tottenham Lane, Crouch End
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05 07 18	Horsham Road, Petworth
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05 07 18	The Drive, Ickenham
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05 07 18	Gloucester Place, Westminster
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05 07 18	St Mary's Place, Kensington
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05 07 18	Great Linch, Milton Keynes
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05 07 18	Chelsfield Ammunition Depot
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05 07 18	Winterhead, Winscombe
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05 07 18	Floriston Avenue, Hillingdon
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05 07 18	Hertfordshire Waste Core Strategy Examination
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05 07 18	Sunderland Retail Park CPO
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05 07 18	The Haybarn, South Allington
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05 07 18	Trevelyan Avenue, Newham
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05 07 18	Stonehenge Camping and Caravan Site
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05 07 18	Colegrave Road, Newham
05 07 18	Pacific Wharf, Southwark
05 07 18	Conyer Brickworks
05 07 18	Wellington Road, East Ham
05 07 18	Royal Victoria Square, Western Gateway
05 07 18	High Street North, Newham
05 07 18	Gainsborough Avenue
05 07 18	Holborn Road, Plaistow
05 07 18	Bartle Avenue, East Ham
05 07 18	Little Ilford Lane, Manor Park
05 07 18	Bennett Road, Plaistow
05 07 18	Glenparke Road, Forest Gate
05 07 18	Third Avenue, Manor Park
05 07 18	Hanworth Road, Hounslow
05 07 18	Station Road, Newham
05 07 18	Basildene Road, Hounslow
05 07 18	Wanlip Road, Newham
05 07 18	Rectory Road, Manor Park
05 07 18	Caledon Road, Manor Park
04 07 18	Network Rail (Cambridgeshire Level Crossing Reduction) Order
04 07 18	Bedmond Lane Field
04 07 18	Waverley Local Plan

04 07 18	Astley Sand and Aggregates v EA
04 07 18	Folders Lane, Burgess Hill
04 07 18	Funton Brickworks, Sittingbourne
04 07 18	Maidstone Borough Local Plan Examination (for landowner objector)
04 07 18	Hill Place Farm, East Grinstead
04 07 18	Trinity House, Bristol
04 07 18	Papplewick Lane, Hucknall
04 07 18	Lordswood Urban Extension, Maidstone
31 05 18	R (Griffin) v Newham LBC [2011] EWHC 53 (Admin)
31 05 18	Independent Pension Management Ltd v SSCLG [2010] EWHC 3090 (Admin)
31 05 18	R. (Hewitson) v Guildford BC [2012] J.P.L. 951
31 05 18	Abdalla v Transport for London
31 05 18	R (Smith) v Bexley LBC [2010] EWHC 3741 (Admin)
31 05 18	Secretary of State for Work and Pensions v Lassal (C-162/09) [2011] 1 C.M.L.R. 31
31 05 18	Court of Appeal refers question on the Citizenship Directive to ECJ
31 05 18	Zalewska v Department for Social Development [2008] 1 W.L.R. 2602
31 05 18	Finn-Kelcey v Milton Keynes BC [2009] Env. L.R. 17
30 05 18	Shepherd's Bush Market judicial review dismissed
30 05 18	Wakil (t/a Orya Textiles) v Hammersmith and Fulham LBC [2014] Env. L.R. 14
30 05 18	West Kensington Estate Tenants and Residents Association v Hammersmith and Fulham LBC [2013] EWHC 2834 (Admin)
30 05 18	R (Gate) v Secretary of State for Transport [2014] J.P.L. 383

30 05 18	R (Meredith) v Tendring DC [2015] EWCA Civ 422
30 05 18	HS2 Action Alliance Ltd & others v Secretary of State for Transport [2014] 1 C.M.L.R. 10
30 05 18	High Court rejects prematurity challenge made on Aarhus grounds
30 05 18	Stratford on Avon DC v SSCLG [2014] J.P.L. 104
30 05 18	Rehman v Secretary of State for the Home Department [2013] EWHC 2658 (Admin)
30 05 18	McCarthy & Flynn v Basildon BC
30 05 18	R (Kolb) v Buckinghamshire CC [2013] EWHC 1055 (Admin)
30 05 18	R (Prideaux) v Buckinghamshire CC [2013] Env. L.R. 32
30 05 18	Wood v Secretary of State for Communities and Local Government [2015] EWCA Civ 195
30 05 18	Calverton Parish Council v Nottingham City Council [2015] EWHC 1078 (Admin)
30 05 18	Nottingham City Council v Calverton Parish Council [2015] P.T.S.R. 1130
30 05 18	R (Islam) v Secretary of State for the Home Department [2013] EWHC 2369 (Admin)
30 05 18	R (Buckinghamshire CC, HS2 Action Alliance Ltd and Heathrow Hub Ltd) v Secretary of State for Transport [2013] EWHC 481 (Admin)
30 05 18	Host Palace Ltd v Salford City Council (CO/13330/2012)
30 05 18	Esso Petroleum Co Ltd v Walker (Valuation Officer) [2013] R.A. 355
30 05 18	R (Smith) v Governor of HMP Full Sutton (CO/8908/2012)
30 05 18	London Borough of Hackney v Higgs
30 05 18	Woodfield v Cherwell DC (CO/4955/2012)
30 05 18	Koumis v SSCLG [2013] J.P.L. 215
30 05 18	R (Carnegie (on behalf of the Oaks Action Group)) v Ealing LBC [2014] EWHC 3807 (Admin)
30 05 18	R (Humane Society International) v SSEFRA (CO/3065/2014)

30 05 18	R (Bedford Land Investments Ltd) v Secretary of State for Transport [2016] P.T.S.R. 31
30 05 18	R (Equiom (Isle of Man) Ltd) v Croydon LBC [2014] EWHC 3660 (Admin)
30 05 18	Chhokar v Secretary of State for Communities and Local Government [2015] J.P.L. 345
30 05 18	R (Daly) v LB Hammersmith and Fulham (CO/4659/2011)
30 05 18	R (Ryder-Large) v Mid Sussex DC [2012] EWHC 3044 (Admin)
30 05 18	R (Wakil (t/a Orya Textiles)) v Hammersmith and Fulham LBC [2013] 1 P. & C.R. 13
30 05 18	Chelmer Housing Partnership v GP (Southend County Court)
30 05 18	Wandsworth LBC v Adrenalin Advertising Ltd [2011] J.P.L. 1308
30 05 18	R (Murray) v RBKC (CO/8872/2011)
30 05 18	British Pregnancy Advisory Service v Secretary of State for Health [2012] 1 W.L.R. 580
30 05 18	Simpson v SSCLG [2011] EWHC 283 (Admin)
29 05 18	Carrabino v The Information Commissioner EA/2017/0010
29 05 18	Reading BC v H (Reading Magistrates' Court)
29 05 18	R (Waters) v Breckland DC [2016] EWHC 951 (Admin)
29 05 18	R (Lensbury Ltd) v Richmond Upon Thames LBC [2016] Env. L.R. 29
29 05 18	R (Carlyle) v Hastings BC [2016] EWHC 1482 (Admin)
29 05 18	R (Medway Council) v Secretary of State for Communities and Local Government [2016] EWHC 644 (Admin)
29 05 18	R (Khodari) v Kensington and Chelsea RLBC [2015] EWHC 4084 (Admin)
29 05 18	Wellington Pub Co v Kensington and Chelsea RLBC CR/2015/0007
29 05 18	Arnold v Secretary of State for Communities and Local Government [2015] J.P.L. 1053
29 05 18	R (Foster) v Forest of Dean DC [2015] EWHC 2648 (Admin)
29 05 18	Carrabino v RBKC

29 05 18	Wood v SSCLG [2014] EWHC 683 (Admin)
29 05 18	Hand v SSCLG [2014] EWHC 314 (Admin)
29 05 18	R (HS2 Action Alliance Limited & others) (Appellant) v The Secretary of State for Transport and another [2014] 1 W.L.R. 324
29 05 18	Welsh Ministers v Davies [2013] EWCA Civ 1792
29 05 18	Scrivens v SSCLG [2014] J.P.L. 521
29 05 18	Makanjuola v SSCLG [2014] J.P.L. 439
29 05 18	Inquiry closes in second Anglia level crossings reduction order application
25 05 18	Smith v Secretary of State for Communities and Local Government [2017] EWHC 2562 (Admin)
24 05 18	Arnold v Secretary of State for Communities and Local Government [2017] J.P.L. 923
24 05 18	R (Working Title Films Ltd) v Westminster City Council [2017] J.P.L. 173
24 05 18	Winters v SSCLG [2017] EWHC 357 (Admin)
24 05 18	York City Council v Trinity One (Leeds) Ltd [2017] EWHC 318 (Ch)
24 05 18	Interxion Carrier Hotel Limited v London Borough of Tower Hamlets (Thames Magistrates' Court)
24 05 18	D2M Solutions Ltd v Secretary of State for Communities and Local Government [2017] EWHC 3409 (Admin)
24 05 18	R (Stryjak) v Hounslow LBC [2016] EWHC 1897 (Admin)
24 05 18	R (Trickett & Carr) v Cornwall Council [2017] EWHC 3166 (QB)
24 05 18	R (Lyndon-Stanford) v Mid Suffolk DC [2016] EWHC 3284 (Admin)
24 05 18	JJ Gallagher Ltd v Cherwell DC [2016] 1 W.L.R. 5126
10 05 18	R (Gersch) v Crown Prosecution Service