

Landmark Chambers

Barrister CV

David Elvin KC



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David Elvin KC

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



Expertise

Environment, Planning, Property, Public and Administrative

Contact Practice Managers

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Practice Summary

Since taking silk David has appeared frequently in the High Court and Court of Appeal in England & Wales and in Northern Ireland, the Lands Chamber and the Supreme Court.

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

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

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

He is a Bencher of the Middle Temple.

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

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

Recent cases include **R. (Wyatt) v Fareham BC** [2023] Env LR 14 (habitats and nutrient neutrality), **R (Finch) v Surrey CC** [2022] PTSR 958 (Supreme Court pending) (EIA and "downstream" effects), **Arnold White Estates Ltd v Forestry Commission** [2023] PTSR 242 (interrelationship between planning and forestry felling licences), **Jones v MOD** [2022] Env LR 13 (noise nuisance claim against RAF fast jet training), **Secretary of State for Transport v Curzon Park Ltd** [2021] PTSR 1560 (HS2 CPO compensation – certificates of appropriate alternative development – Supreme Court judgment pending), **National Highways Ltd v Springorum** [2022] EWHC 205 (QB) (committals for breaches of injunctions preventing highways trespass), **Wild Justice v Natural Resources Wales** [2021] Env LR 24 (wildlife licensing), **Southwark LBC v. Transport for London** [2020] AC 914 (vesting of London strategic highways) and **Canterbury CC v Secretary of State** [2019] JPL 1321 (habitats mitigation following **People over Wind**).

Recent major inquiries: promoting the **City of York Local Plan** at examination (2019-23), **Whitechapel Bell Foundry** (restoration and reuse of heritage assets) (2020/21), **Northacre Energy from Waste Facility** (2022/3) (energy from waste plan in Wiltshire) and **Loxley Exploratory Gas Well, Dunsfold** (2021-2) and opposing the **Barking Vicarage Fields CPO** (unviable town centre CPO) (2022),

Environment

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

'David's particular strengths are his advocacy skills. One knows when instructing him that one has an excellent advocate on their team who can be relied on to deliver a first rate service for the client. He delivers incredibly clear, concise and commercial advice. He is incredibly bright but also down to earth and a joy to work with.' - **Legal 500**

Planning

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

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

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

Property

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

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

Public and Administrative

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

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

Qualifications

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

Recommendations

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

Environment, Chambers and Partners, 2024

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

Planning, Chambers and Partners, 2024

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

Agriculture and Rural Affairs, Chambers and Partners, 2024

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

Administrative and Public Law, Chambers and Partners, 2024

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

Local Government, Chambers and Partners, 2024

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

Environment, Legal 500, 2024

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

Planning, Legal 500, 2024

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

Local Government, Legal 500, 2024

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

Administrative and Public Law, Chambers and Partners, 2023

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

Environment, Chambers and Partners, 2023

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

Agriculture and Rural Affairs, Chambers and Partners, 2023

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

Local Government, Chambers and Partners, 2023

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

Planning, Chambers and Partners, 2023

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

Environment, Legal 500, 2023

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

Planning, Legal 500, 2023

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

Administrative and Public Law, Chambers and Partners, 2022

"He is mega bright and can do anything."

Agriculture and Rural Affairs, Chambers and Partners, 2022

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

Environment, Chambers and Partners, 2022

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

Local Government, Chambers and Partners, 2022

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

Planning, Chambers and Partners, 2022

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

Environment, Legal 500, 2022

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

Planning, Legal 500, 2022

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

Administrative and Public Law, Chambers and Partners, 2021

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

Agriculture and Rural Affairs, Chambers and Partners, 2021

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

Environment, Chambers and Partners, 2021

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

Local Government, Chambers and Partners, 2021

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

Planning, Chambers and Partners, 2021

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

Planning, Legal 500, 2021

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

Environment, Legal 500, 2021

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

Administrative and Public Law, Chambers and Partners, 2020

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

Agriculture and Rural Affairs, Chambers and Partners, 2020

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

Local Government, Chambers and Partners, 2020

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

Planning, Chambers and Partners, 2020

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

"He is an absolute dream to work with."

Environment, Chambers and Partners, 2020

Cases and inquiries

20 07 23	High Court dismisses challenge to on-shore gas exploration project
18 01 21	Wild Justice v Natural Resources Wales [2021] EWHC 35 (Admin)
13 09 19	Inquiry into Northern Ireland's largest proposed windfarm
23 11 18	HJ Banks & Company Ltd v Secretary of State for Housing Communities and Local Government [2018] EWHC 3141 (Admin)
18 07 18	Southwark LBC v Transport for London [2018] P.T.S.R. 333
17 07 18	Oxford Westgate CPO
26 06 18	Acting for Madonna and Guy Ritchie in opposing mapping of the Ashcombe Estate under CROW Act.
26 06 18	Hatchfield Farm, Newmarket
26 06 18	Inquiry into Energy from Waste plant at Ardley, Oxfordshire
26 06 18	Inquiry into state-of-the art in-vessel composting facility at Wisley Airfield
26 06 18	Procurement advice

26 06 18	Land valuation cases
26 06 18	Dunlopillo Latex Foam Ltd, Pannal, Harrogate
26 06 18	Crossrail Bill (Parliamentary Hybrid Bill proceedings) [from 2004 and continuing]
26 06 18	Judicial reviews involving Basildon gypsy sites (ongoing)
26 06 18	Re: Mr Neil Cockburn, Pennoxstone Court, King's Caple [Inquiry]
26 06 18	Property litigation for Liverpool City Council
26 06 18	Proposed new Mersey Crossing
26 06 18	Acting for Westfield and Derby CC in promoting city centre regeneration CPO at Eagle Centre, Derby
26 06 18	Work on climate change and habitats erosion (ongoing)
26 06 18	Extensive CPO regeneration work
26 06 18	Supermarkets Inquiry (Competition Commission) [current]
26 06 18	Court of Appeal dismisses appeal in Edwards v Environment Agency
26 06 18	Liverpool HMRI CPOs inquiry
26 06 18	Dudley Brierley Hill CPO modified to accommodate Corus objection
26 06 18	Footpaths
19 06 18	R (Sainsburys & Dean) v Secretary of State & West End Green
13 06 18	South Cambridgeshire DC v Gammell [2005] EWCA Civ 1429
11 06 18	R (Edwards) v. Environment Agency & Others
08 06 18	Childers v. Anker
08 06 18	Eronpark v. Secretary of State
08 06 18	R v. Home Secretary ex p. Fielding

08 06 18	Steed v Home Office
08 06 18	R v. Secretary of State for Defence ex p. Wilkins
08 06 18	R v. Durham CC ex parte Huddleston
08 06 18	Berkeley v Secretary of State [2000] 3 W.L.R. 430
08 06 18	The Alconbury Litigation
08 06 18	Alnwick B.C. v. Sec. of State
08 06 18	R v. North Derbyshire HA ex p. Fisher
08 06 18	Colley v. Secretary of State
08 06 18	R v. Secretary of State ex p. Torridge D.C.
08 06 18	R v. City of London Magistrates, ex p. Asif
08 06 18	R v. Secretary of State ex p. Kirkstall Valley Campaign
08 06 18	SCMLLA v. Gesso Properties
07 06 18	UK Renderers Association v Secretary of State
07 06 18	Henry Boot Homes Ltd v. Bassetlaw D.C.
07 06 18	R (Bedford & Clare) v. Islington LBC & Arsenal FC
07 06 18	Kingsalton Ltd. v. Thames Water Developments
07 06 18	Dennis v. MOD
07 06 18	R (Delena Wells) v. the Secretary of State for Transport, Local Government and the Regions Case C-201/02
06 06 18	Barker v. Bromley LBC (House of Lords)
05 06 18	R (Residents Against Waste Site Ltd) v. Lancashire County Council [2008] Env. L.R. 27
05 06 18	High Court rejects judicial review of Fullabrook Windfarm

05 06 18	House of Lords dismisses appeal in R (Edwards) v. Environment Agency
05 06 18	R (Heath & Hampstead Society) v. Camden LBC & Vlachos [2008] 3 All E.R. 80 (CA), [2007] 2 P. & C.R. 19 (High Ct)
05 06 18	Court of Appeal refuses permission to challenge Darwen Academy CPO
05 06 18	R (Pascoe) v. Liverpool City Council [2007] EWHC 1024 (Admin)
05 06 18	Crowley (t/a Contraband Discount Stores) v. Liverpool PSDA Ltd [2007] R.V.R. 125
05 06 18	Court of Appeal uphold the partial quashing of the New Forest National Park Designation
05 06 18	Important ECJ judgments on EIA and outline planning permission
05 06 18	Meyrick Estate Management v Secretary of State for Environment, Food and Rural Affairs [2007] (Court of Appeal)
05 06 18	Commission v. UK Case C-199/04
05 06 18	R (Barker) v Secretary of State & Bromley LBC (2006-7) (European Court and House of Lords) [2007] 1 A.C. 470
05 06 18	R (Berwick Street Properties) v Westminster City Council (High Court)(2007)
05 06 18	Gammell v South Cambridgeshire District Council [2005] EWCA Civ 1429, [2006] JPL 873
04 06 18	Crossrail Bill (Parliamentary Hybrid Bill proceedings) [from 2004 and continuing]
04 06 18	High Court dismisses challenge to Darwen Academy CPO [2008] EWHC 62 QB
31 05 18	Court of Appeal Upholds Basildon Council's Decision to Enforce Against Largest Gypsy Site in the UK
31 05 18	Quinto v Santiago Castillo Limited [2009] UKPC 15
31 05 18	Avonmouth Energy from Waste
30 05 18	R (Wetherell) v Westminster City Council
30 05 18	High Court orders judicial review of bid to ban heather burning

30 05 18	Save Historic Newmarket Ltd v. Forest Heath District Council [2011] J.P.L. 1233
30 05 18	R (Midlands Co-Operative Society Ltd) v Birmingham City Council & Tesco Stores Ltd. [2012] Eu L.R. 640
30 05 18	Judicial reviews brought against HS2 by local authorities and HS2AA
30 05 18	R (o.a.o. Khan) v London Borough of Sutton [2014] EWHC 3663 (Admin)
30 05 18	R (HS2 Action Alliance Ltd & London Borough of Hillingdon) v Secretary of State for Transport [2015] J.P.L. 555
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	London Borough of Southwark & City of London Corporation v Transport for London [2015] EWHC 383 (Ch)
30 05 18	HS2 Action Alliance Ltd & others v Secretary of State for Transport [2014] 1 C.M.L.R. 10
29 05 18	R (on the application of Fox Strategic Land and Property Ltd) v Chorley BC [2014] EWHC 1179 (Admin)
29 05 18	Islington LBC v Secretary of State for Communities and Local Government [2014] EWCA Civ 378
29 05 18	R (Larkfleet Homes Ltd) v Rutland County Council [2015] P.T.S.R. 1369
29 05 18	Ashdown Forest Economic Development LLP v Wealden District Council [2016] Env. L.R. 2
29 05 18	Newry Chamber of Commerce's application for judicial review [2015] NIQB 65
29 05 18	R (on the application of HS2 Action Alliance Ltd) v Secretary of State for Transport [2014] P.T.S.R. 1334
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	Earl's Court SPD challenge rejected
29 05 18	R (Police and Crime Commissioner for Leicestershire) v Blaby District Council [2014] EWHC 1719 (Admin)
25 05 18	R (Faraday Development Ltd) v West Berkshire Council & Anor [2016] EWHC 2166 (Admin)
25 05 18	Minerva (Wandsworth) Ltd v Greenland Ram (London) Ltd [2017] EWHC 1457 (Ch)

10 04 18	London Borough of Southwark v Transport for London [2015] EWHC 3448 (Ch)
03 03 14	Arnold White Estates Ltd v National Grid Electricity Transmissions Plc [2014] EWCA Civ 216
30 03 04	Scmla Properties Ltd. v. Gesso Properties (BVI) Ltd. [1995] BCC 793
01 01 03	Rowland v. Environment Agency
01 12 02	Dibden Bay Deep Sea Container Terminal (Nov 2001 - Dec 2002)

Publications

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