

Landmark Chambers

Barrister CV

Heather Sargent



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Heather Sargent

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Heather practises primarily in planning and compulsory purchase, environmental and EU law.



Expertise

Planning, Environment, Public and Administrative

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Practice Summary

Heather is ranked fourth in the list of top-rated junior planning barristers in the Planning Law Survey 2023 and has been listed as one of the top five juniors by the survey for the past four years. She has been ranked in both Chambers & Partners and the Legal 500 for several years.

Her experience includes:

- Acting for Marks and Spencer on the redevelopment of its flagship Marble Arch store
- Acting for both developers and local planning authorities on numerous central London tall building schemes
- Advising the promoter of the Euston Over-Station Development
- Advising Gatwick Airport on its proposed DCO to bring its existing standby runway into routine use
- Defending two judicial review challenges to the 2019 NPPF for MHCLG
- Defending six judicial review challenges to the Airports NPS (which provides policy support for a third runway at Heathrow) for the Secretary of State for Transport
- Appearing at the London Plan examination (for the London Borough of Enfield) and for site promoters at the Guildford, Wealden, Tandridge and Welwyn Hatfield Local Plans

- Advising the acquiring authority on a CPO for a £37m road scheme (sole counsel) and acting for the acquiring authority on both the Tunbridge Wells Borough Council (Calverley Square) CPO (theatre, civic centre and office scheme) and the London Borough of Enfield (Alma Estate Regeneration) CPO
- Acting for both appellants and local planning authorities on major housing schemes including Wisley Airfield, Guildford (2,000 units); Peel Hall, Warrington (1,200 units); and two sustainable urban extensions in Northampton
- Retail inquiry work (for both appellants and local planning authorities)
- Acting for retirement home providers on appeal
- High level judicial review and statutory challenge court work, including numerous appearances before the Court of Appeal as sole counsel.

Heather is a member of the Attorney General's B Panel of Counsel and of the Welsh Government's B Panel of Junior Counsel. She is an Assistant Editor of the Encyclopedia of Planning Law and Practice, for which she focuses on heritage matters

Planning

Heather's experience in planning includes:

Court work

- Acting for the successful respondents both at first instance and in the Court of Appeal in ***DLA Delivery Ltd v Baroness Cumberlege of Newick*** [2018] EWCA Civ 1305. The High Court decision was one of *Planning* magazine's ten "need to know" court rulings for 2017.
- Defending two judicial review challenges to the Revised NPPF for MHCLG (led by Rupert Warren KC).
- Defending six judicial review challenges to the recently designated Airports National Policy Statement (counsel team led by James Maurici KC).
- Appearing for the successful local planning authority in ***Oldham MBC v Tanna*** [2017] 1 WLR 1970, in which the Court of Appeal considered the proper interpretation of the service provisions in the Town and Country Planning Act 1990, in the context of proceedings in respect of a s.215 notice.
- Appearing at first instance and before the Court of Appeal for an affordable housing developer in a statutory challenge to the grant of planning permission for a rural exception site.
- Acting for the first interested party, a telecommunications operator, in ***R (o.a.o. Mawbey) v Lewisham LBC*** [2018] EWHC 263 (Admin), a decision on the meaning of the word "mast" as used in Part 16 of the 2015 GPDO. The operator's appeal is to be heard by the Court of Appeal in March 2019.
- Successfully defending the judicial review claim in ***Smech Properties Limited v Runnymede Borough Council*** [2016] JPL 677, which raised before the Court of Appeal an important point concerning the High Court's discretion not to quash a defective grant of planning permission (led by Nathalie Lieven KC and David Forsdick KC).

- Successfully resisting on behalf of the developer a judicial review challenge to the grant of planning permission for the redevelopment of the former HMS Ganges site at Shotley Gate, Suffolk (led by David Elvin KC).
- Appearing for nine claimant London local planning authorities in a High Court challenge to the Mayor of London's Revised Early Minor Alterations to the London Plan, on grounds relating to affordable rented housing (led by Nathalie Lieven KC).
- Regular appearances in the Crown Court and in the Magistrates' Court in planning enforcement proceedings.

Planning inquiries and development plan examinations

- Acting for the developer at a forthcoming inquiry in relation to a motorway service area (led by Timothy Corner KC).
- Appearing for the appellant at an inquiry in respect of a proposed mixed-use development that includes 1,200 dwellings (junior to Christopher Lockhart-Mummery KC).
- Acting for the developer at a five week inquiry into the proposed development of up to 2,068 dwellings at the former Wisley Airfield, Surrey, a Green Belt site that is partially previously developed land (led by James Maurici KC).
- Appearing for the local planning authority at two inquiries in respect of proposed Sustainable Urban Extensions of 1,000 houses each (led by Timothy Corner KC).
- Appearing for the appellant at a six day inquiry into a retail-led regeneration scheme (led by Charles Banner KC).
- Regular work on appeals in relation to retirement home schemes.
- Appearing at the London Plan examination and at the examinations into the Guildford, Wealden, Tandridge and Welwyn Hatfield Local Plans.

Compulsory Purchase and Compensation

Heather's experience includes:

- Acting for the acquiring authority at the inquiry into the recently confirmed Tunbridge Wells Borough Council (Calverley Square) Compulsory Purchase Order 2018, led by Craig Howell Williams KC. The purpose of the CPO is to facilitate the Calverley Square redevelopment scheme, which was granted planning permission in June 2018 and includes a new 1,200 seat theatre, a new civic centre for the Council and commercial office space.
- Acting for the acquiring authority at the inquiry into the (subsequently confirmed) London Borough of Enfield (Alma Estate Regeneration) CPO 2016 (junior to David Elvin KC).
- Advising Highways England in relation to a claim for compensation in respect of compulsory acquisition pursuant to a Development Consent Order for a road improvement scheme.
- Advising in respect of the Worcestershire Parkway Regional Interchange CPO.
- Advising on the Worcester Southern Link Road CPO.

Infrastructure

Heather's experience includes:

- Defending six judicial review challenges to the Airports National Policy Statement (counsel team led by James Maurici KC).
- Advising in respect of the *National Policy Statement for new nuclear above 1GW post 2025: siting criteria and process* (led by Nathalie Lieven KC).
- Advising as sole counsel on the Space Industry Act 2018 (at Bill stage).
- Appearing for the claimant, a commercial objector, in *R (Trago Mills Ltd) v SSCLG* [2016] EWHC 1792 (Admin), a High Court challenge relating to a Development Consent Order.
- Advising Highways England in relation to a claim for compensation in respect of compulsory acquisition pursuant to a Development Consent Order for a road improvement scheme.
- Advising on a proposed challenge to the Secretary of State's decision not to "call in" an application for planning permission for development at London Luton Airport.
- Acting for the developer at an inquiry in relation to a motorway service area (led by Timothy Corner KC).
- Advising on EIA of a biomass plant.
- Acting as junior counsel for the developer in a successful challenge to the refusal of consent for a wind farm in Powys.
- Advising in respect of the Worcestershire Parkway Regional Interchange CPO.
- Advising on the Worcester Southern Link Road CPO.
- Successfully resisting (on behalf of the developer) a judicial review challenge to the grant of planning permission for the Beddington Energy Recovery Facility (led by David Elvin KC).
- Appearing for Lambeth Borough Council in a claim for judicial review of its decision to grant planning permission for the "Garden Bridge" (led by Nathalie Lieven KC).
- Advising the Welsh Ministers in relation to the M4 Corridor around Newport.

Environment

Heather has a particular interest in EU environmental law, having worked on Case C-258/11 *Sweetman v Ireland* (Article 6 of the Habitats Directive) as a trainee at the Court of Justice of the EU in 2012. Her EU environmental experience includes:

- Acting for the successful respondents both at first instance and in the Court of Appeal in *DLA Delivery Ltd v Baroness Cumberlege of Newick* [2018] EWCA Civ 1305, which addresses the requirements of reg. 68(3) of the Conservation of Habitats and Species Regulations 2010.
- Successfully defending (in both the High Court and the Court of Appeal) on behalf of the Homes and Communities Agency a judicial review challenge on Habitats grounds to the grant of planning permission by Forest of Dean District Council for development in Cinderford's "Northern Quarter" (led by James Maurici KC and Timothy Corner KC).
- Extensive advisory experience in respect of the EIA, SEA and Air Quality Directives and of the related domestic transposing provisions.

- Advising the Department of Energy and Climate Change on infraction proceedings proposed by the European Commission (junior to David Blundell KC).

Other environmental experience includes:

- Successfully defending ***King v Environment Agency*** [2018] EWHC 65 (QB), a claim for damages brought on human rights grounds in relation to flooding (led by Gwion Lewis KC).
- Successfully acting for the Environment Agency in High Court challenges relating to the operation of the environmental permitting regime in the waste context.
- Defending injunctive proceedings on behalf of Natural England.
- Defending a prosecution pursuant to section 34 of the Environmental Protection Act 1990.
- Advising on the Climate Change Act 2008.
- Advising a local authority on how to approach long-term flood risk.
- Regularly advising in respect of the Aarhus Convention fixed costs regime.

Public and Administrative

In addition to her main areas of practice, Heather has a long-standing interest in public law more generally, having previously given tuitions in Administrative Law to students at the University of Oxford, taught Constitutional and Administrative Law at Birkbeck and written an MPhil thesis on the Human Rights Act 1998.

International

Heather spent 10 months working as a trainee in the EU institutions during 2011-2012, first for the Legal Service of the European Commission (Competition law) and subsequently at the Court of Justice of the EU (Cabinet of Advocate-General Sharpston).

In addition to EU environmental law (see “Environment”) , she has particular experience of both EU State aid law and EU public procurement law. This includes:

- Acting for the claimant in a judicial review challenge to the local planning authority’s interpretation of State aid provisions in the Community Infrastructure Levy (“CIL”) Regulations 2010 (led by James Maurici KC).
- Appearing for the claimant in the High Court in ***R (o.a.o. Faraday Development Ltd) v West Berkshire Council*** [2016] EWHC 2166 (Admin), a public procurement, best value and State aid challenge to a £125 million development agreement (led by Charles Banner KC).
- Advising a contracting authority on the procurement of community transport services.
- Co-author (with James Maurici KC) of an article in the Journal of Planning and Environment Law on “State aid in planning and compulsory purchase order cases” (JPL 2015, 6, 621-643).

Other EU law experience includes acting *pro bono* in several sets of proceedings before the First-tier Tribunal (Social Security and Child Support) and the Upper Tribunal concerning EU residence rights, instructed by the AIRE Centre on behalf of the claimants.

Procurement and Subsidy Control

Heather's public procurement and State aid experience includes:

- Co-author with James Maurici KC of *State aid in planning and compulsory purchase order cases* (JPL, 2015).
- Advising a local authority on the procurement of transport services.
- Junior counsel for the claimant in the High Court in *R (o.a.o. Faraday Development Ltd) v West Berkshire Council* (led by Charles Banner KC).
- Acting for the claimants in a judicial review challenge to the local planning authority's interpretation of the State aid provisions in the Community Infrastructure Levy Regulations.

Qualifications

- 2010 – 2011: Bar Professional Training Course, Kaplan Law School, London
- 2009 – 2010: Master of Philosophy in Law, University of Oxford
- 2008 – 2009: Bachelor of Civil Law, University of Oxford (Distinction)
- 2004 – 2008: BA in Jurisprudence – Law with Law Studies in Europe (French), University of Oxford

Recommendations

"Heather has always provided excellent service. She understands the motivating factors with our business and how the instructions relate to our business needs. Her advice is always pragmatic towards achieving our business aims." "She's highly capable, thoughtful, pragmatic and good with clients and witnesses. A great member of the team and great to work with."

Environment, Chambers and Partners, 2024

"Heather Sargent has a really good grasp of development in London and is able to use her technical skills to deal with complex and technical problems." "Heather is highly capable, very strong and pragmatic, and she is good with clients."

Planning, Chambers and Partners, 2024

"Heather's ability to understand the key pertinent points within an argument is exemplary."

Environment, Legal 500, 2024

"Heather's advocacy is particularly impressive, as is her ability to quickly identify the key points at issue and of interest to the Judge. Heather makes her points succinctly and persuasively, and is very well attuned to the key elements of a case and how to address them on her feet."

Planning, Legal 500, 2024

"Heather is a quietly fierce intellect." "Heather is simply outstanding in every respect. She is thorough and always on top of the details, and her presentation is forceful and effective without grandstanding. She also develops an excellent relationship with the clients." "Her cross-examination is considered and well prepared." "Heather is very personable and able to grapple with complex matters quickly."

Planning, Chambers and Partners, 2023

"She is formidable, fearsomely bright, forensic in her analysis, and crystal clear and logical in her advice and advocacy."

Environment, Legal 500, 2023

"Heather is a persuasive and intelligent advocate. She has an intelligent, pragmatic approach to issues, and works well in large multi-disciplinary teams. She has the ability to absorb and analyse large amounts of information and offer insightful commentary, and has strong credibility with client team. Clients feel they are in very safe hands."

Planning, Legal 500, 2023

"She is absolutely outstanding. She's a good advocate." "She's a very able junior."

Environment, Chambers and Partners, 2022

"Heather is immensely knowledgeable and calm under pressure." "She displayed deftness in articulating complex planning and legal matters and in the handling of witnesses." "Heather is extremely bright, prompt and reliable."

Planning, Chambers and Partners, 2022

"Exceptionally intelligent, balanced and focused, she has a gift for getting straight to the real heart of a matter and is a reassuring presence on a case."

Environment, Legal 500, 2022

"Heather is very bright and knowledgeable, and quickly identifies key issues amongst a huge mass of information. She is solution focused and can explain complex issues to clients or consultant team. Her calm professional manner under pressure at is valuable."

Planning, Legal 500, 2022

"Widely regarded as a rising star, with particular expertise in infrastructure, housing and compulsory purchase matters." "She develops an instant rapport with clients and is impeccably prepared for conferences and hearings." "She delivers very persuasive pleadings and stays calm under pressure."

Planning, Chambers and Partners, 2021

"This barrister is very bright, is always impeccably prepared for conferences, gives clear and well structured advice and importantly for clients and solicitors is down to earth and very easy to deal with. This barrister garners the confidence of the client and in my view has a very strong future ahead of them."

Planning, Legal 500, 2021

"She is a first-rate environmental lawyer who shows meticulous attention to detail and gets to the heart of complex issues quickly."

Environment, Legal 500, 2021

"She is a first-rate environmental lawyer who shows meticulous attention to detail and gets to the heart of complex issues quickly."

Environment, Legal 500, 2021

"Excellent all round and a star of the future."

Planning, Legal 500, 2021

"Excellent all round and a star of the future."

Planning, Chambers and Partners, 2020

"She does the work of barristers five years more senior."

Planning, Legal 500, 2020

"Highly rated - silks fight over her."

Environment, Legal 500, 2020

"Extremely bright and down-to-earth."

Planning Law Survey, 2020

"he was very effective at cross-examination, highly organised and excellent at working collaboratively with us to build a strong case." "She's excellent – the quality of her written work and submissions is fantastic. She acts as a really effective junior in being available and going between all parties."

Planning, Chambers and Partners, 2019

"Razor sharp and completely unflappable: without a doubt a rising star of the planning Bar."

Planning, Legal 500, 2019

"She has an incisive and unstuffy approach."

Planning Law Survey, 2019

Cases and inquiries

17 01 24	Planning Court hands down judgment in important case for drop-in planning permissions
15 01 24	A12 Widening Scheme DCO Approved
30 06 22	Proposal to convert the Grade I listed Custom House to a hotel refused on appeal
28 01 21	Tall building proposed in Lambeth refused on appeal
18 01 21	Wild Justice v Natural Resources Wales [2021] EWHC 35 (Admin)
03 06 20	High Court quashes EIA screening direction in respect of site previously used to dispose of BSE-infected cattle
05 12 19	Guildford Local Plan challenges rejected
05 12 19	Guildford Local Plan challenges rejected
25 11 19	Residential scheme dismissed on appeal on grounds including unresolved highways matters
04 11 19	High Court to hear Guildford Local Plan challenges
21 10 19	High Court dismisses challenge to Inspector's approach to viability review mechanisms
18 10 19	High Court allows statutory challenge against Secretary of State's dismissal of appeal in relation to 1,200 dwelling scheme
17 10 19	Residential scheme dismissed on appeal on heritage grounds despite absence of five year housing land supply
15 10 19	Heathrow expansion judicial review hearings to begin in the Court of Appeal
15 10 19	Heathrow expansion judicial review hearings to begin in the Court of Appeal
15 05 19	CPO confirmed for new theatre, civic centre and office development in Tunbridge Wells
22 02 19	Court of Appeal dismisses application for judicial review in relation to the Environmental Permitting Regulations
12 11 18	Challenge to the written ministerial statement on fracking dismissed

13 09 18	High Court judgment on consideration of alternatives in the context of an application for listed building consent
25 07 18	Court of Appeal dismisses appeal in DLA Delivery Ltd v Baroness Cumberlege of Newick
17 07 18	Land off Cheltenham Road, Bredon, Wychavon District
17 07 18	Newmarket retail inquiry
05 07 18	Southend Airport footpath inquiry
26 06 18	Wisley Airfield inquiry opens
30 05 18	R (o.a.o. Smech Properties Ltd) v Runnymede Borough Council [2015] EWHC 823 (Admin)
30 05 18	R (Larkfleet Homes Ltd) v Rutland County Council [2014] J.P.L. 697
30 05 18	R (o.a.o. Khan) v London Borough of Sutton [2014] EWHC 3663 (Admin)
29 05 18	High Court hears challenge to the Mayor of London's Revised Early Minor Alterations to the London Plan
29 05 18	Old Hunstanton Parish Council v Secretary of State for Communities and Local Government [2015] EWHC 1958 (Admin)
29 05 18	Smech Properties Limited v Runnymede Borough Council [2016] EWCA Civ 42
29 05 18	Faraday Development Limited v West Berkshire Council (CO/5763/2015)
25 05 18	High Court quashes Secretary of State's grant of planning permission for 50 dwellings in Newick
25 05 18	Airports NPS Update
24 05 18	R (o.a.o. Trago Mills Ltd) v Secretary of State for Communities and Local Government [2016] EWHC 1792 (Admin)
24 05 18	R (o.a.o. Woolverstone Parish Council) v Babergh District Council
24 05 18	High Court dismisses Stoke Poges Free School challenge
24 05 18	Court of Appeal upholds narrow interpretation of rural exceptions sites policy
24 05 18	Court of Appeal rules on the service provisions in the Town and Country Planning Act 1990 and the Local Government Act 1972

24 05 18 King v Environment Agency [2018] EWHC 65 (QB)

24 05 18 [2017] EWHC 121 (Admin): Airports judicial review struck out

19 02 18 R (o.a.o. Mawbey) v Lewisham LBC [2018] EWHC 263 (Admin)

01 03 16 Secretary of State grants permission for Northampton Sustainable Urban Extension

22 09 15 R (Foster and Langton) v Forest of Dean DC and Homes and Communities Agency [2015] EWHC 2648
(Admin) Cranston J
