



## **Gwion Lewis QC**

Call: 2005    Silk: 2021

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## **Expertise**

Planning, Public, Environment, International, European Union Law

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## **Overview**

Gwion Lewis was called to the Bar in 2005 and specialises in public, planning, environmental, EU and public international law.

He has been a member of the Attorney General's 'A' Panel of Junior Counsel for the last five years, regularly acting for the UK Government in its most complex cases, including several relating to the interpretation of the NPPF. Recent highlights of his practice include the widely publicised High Court case that established that the Secretary of State had acted with apparent bias in granting planning permission for the redevelopment of the Westferry Printworks site in east London. Gwion acted for the successful party, Tower Hamlets Council.

Gwion also acted for Snowdonia National Park Authority in the recent Hillside Park litigation in the Court of Appeal that raised difficult questions about overlapping planning permissions. His practice is split equally between developers and public bodies. Most recently, he was Counsel for Applegreen in a 3-week virtual inquiry promoting a new motorway services area outside Harrogate. Born and raised on Anglesey in north Wales, Gwion will be one of the very few native Welsh speakers ever to have been appointed a planning silk.

Gwion has been recommended as a leading junior in all the main independent legal directories for several years. The 2020 versions of these directories describe him as “*very punchy and incredibly effective*” (Chambers and Partners), “*excellent on his feet*” and that he “*always produces silk-quality work*” (Legal 500). He is also said to be “*very personable and easy to work with*” (Legal 500).

Gwion is based in London but welcomes instructions from all areas of the UK and from international clients. He has experience of advising clients in island jurisdictions, including the Isle of Man and the Channel Islands.

**Areas of Practice** - Please click through the links on the right for more details of Gwion’s practice in each area.

- Public law
- Planning law
- Environmental law

Gwion is the editor of the ‘Wales’ section of the Planning Encyclopedia and appears regularly on television and radio programmes in Wales to analyse legal affairs.

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## Public law

Public law is at the heart of Gwion’s practice. As a member of the Attorney General’s ‘A’ Panel of Junior Counsel, he regularly acts for the UK Government in its most complex cases. Gwion appears frequently in administrative courts and tribunals across England and Wales.

Many of Gwion’s cases feature aspects of planning and environmental law, but his interest in public law and judicial review extends more broadly to issues arising in immigration, human trafficking, education, equality and discrimination law, detention, electoral law, transport, standards and ethics, care standards and property-related public law.

Gwion has particular interest in public law issues arising from the current devolution settlement for Wales. His regular clients in Wales include the Welsh Ministers, Natural Resources Wales, the Welsh Language Commissioner and the Public Services Ombudsman for Wales.

The legal directories have recognized Gwion as a leading junior in administrative and public law for several years. The 2020 versions of the directories describe him as “*very smart and excellent on his feet*” (Legal 500) and a “*likeable, persuasive advocate*” (Chambers and Partners).

Examples of Gwion’s recent and ongoing public law work include:

### Immigration

- **R (MS (a child)) v Secretary of State for the Home Department** [2019] EWCA Civ 1340 - whether the SSHD’s decision to refuse a request by another state to take charge of an asylum claim is a “transfer decision” under the Dublin III Regulation (with Lisa Giovannetti QC)
- **SSHD v PG (Jamaica)** [2019] EWCA Civ 1213 - successfully acted for the SSHD in her appeal against a tribunal decision that the deportation of a foreign criminal to Jamaica would be “unduly harsh”
- **MS (Malaysia) v SSHD** [2019] EWCA Civ 580; [2019] INLR 438 - whether a non-EU citizen had acquired a derivative right to remain in the UK as the carer of her elderly mother
- **KV (Sri Lanka) v SSHD** [2018] EWCA Civ 2483; [2018] 4 WLR 166 - whether the tribunal had correctly dealt with the issue of the appellant’s alleged statelessness in an appeal against the deprivation of British citizenship
- **R (AT) v SSHD** [2017] EWHC 2589 (Admin); [2018] Imm. A.R. 483 - whether an application for indefinite leave to remain as a victim of domestic violence incorporates, in principle, a human rights claim
- **R (NO) v SSHD** [2016] EWCA Civ 876 - whether the SSHD had wrongly denied humanitarian protection to an Afghan national with serious mental illness

### Human trafficking

- **R (O) v SSHD** [2019] EWHC 148 (Admin) - successfully resisted claims alleging systemic unlawful delay in making ‘conclusive grounds’ decisions in relation to potential victims of trafficking (with Lisa Giovannetti QC)

- **R (MN) v SSHD** [2018] EWHC 3263 (QB); [2019] Imm. A.R. 545 – successfully defended the SSHD’s policy that the balance of probabilities should be applied when deciding whether a person is a victim of human trafficking
- **R (EM) v SSHD** [2018] EWCA Civ 1070; [2018] 1 WLR 4386 – leading case on the SSHD’s obligations to those identified as potential victims of trafficking but whose detention is maintained on public order grounds (with James Eadie QC)
- **SSHD v MS (Pakistan)** [2018] EWCA Civ 594; [2018] 4 WLR 63 – leading case on the jurisdiction of a tribunal, when dealing with an appeal against removal, to revisit a previous decision by the SSHD that the appellant was not a victim of trafficking
- **R (TDT) v SSHD** [2018] EWCA Civ 1395 – the first claim brought in the UK alleging that the SSHD had breached her positive operational duty under Art. 4 ECHR by releasing from detention a Vietnamese national claimed to be at risk of re-trafficking

### **Education**

- **R (AA (a child) and others) v Gwynedd County Council** (CO/2399/2019) – acted for several disabled children claiming that the taxi service provided by the Council to transport them to their school had been unlawfully terminated (settled out of court)
- **RE v Governing Body of Ysgol Eifion Wyn, Porthmadog** – successfully acted for a disabled boy with Prader Willi syndrome in a discrimination claim before the Special Educational Needs Tribunal for Wales (failure to make reasonable adjustments)
- **R (Jones) v Denbighshire County Council** [2016] EWHC 2074 (Admin) – successfully challenged the decision to close a rural Welsh-medium primary school
- Advising the Welsh Language Commissioner on the forthcoming Curriculum and Assessment Bill
- Advised the Royal Welsh College of Music and Drama on proposed changes to its funding model

### **Equality and discrimination law**

- **R (FA (Sudan)) v SSHD** [2018] EWHC 3475 (Admin); [2019] 4 WLR 11 – successfully resisted a claim that the SSHD’s ‘destitution domestic violence concession’ unlawfully discriminated against those without leave to remain as the spouse/partner of a British citizen
- **St Clair Toussaint v SSHD** (Central London County Court, 2015) – claim that the SSHD breached her duty under the Equality Act 2010 to make reasonable adjustments when she transferred a disabled immigrant with no leave to remain in the UK from hospital to the detention estate
- **R (Welsh Language Commissioner) v National Savings and Investments** [2014] EWHC 488 (Admin) – sole counsel for the Commissioner in her first judicial review, challenging successfully NS&I’s decision to revoke its Welsh language scheme and cease its Welsh language services
- **R (MM) v Secretary of State for Work and Pensions** [2013] EWCA Civ 1565 – landmark case under the Equality Act 2010 about the extent of the duty to make reasonable adjustments for those with mental health problems who apply for employment support allowance (with Martin Chamberlain QC)

### **Detention**

- **R (Botan) v SSHD** [2017] EWHC 550 (Admin) – whether the immigration detention of a Somali national who had committed a serious sexual assault was still lawful after almost 4 years
- **R (WT) v SSHD** [2016] EWHC 659 (Admin) – successfully resisted a challenge to the SSHD’s decision to maintain the detention of a national of Myanmar
- **R (AS (Afghanistan)) v SSHD** [2014] EWHC 3478 (Admin) – whether the SSHD could lawfully maintain the detention of a person as an adult when the High Court had ruled that his claim to be a child was at least arguable pending a fact-finding hearing
- **R (AA (Sudan)) v SSHD** [2014] EWHC 2118 (Admin) – whether a father’s outstanding application for contact with his child in family law proceedings meant that he could no longer be lawfully detained
- **Tsavdaris v Home Office** [2014] EWHC 440 (QB) – effect of the transitional provisions of the Immigration (EEA) Regulations 2006 on the lawfulness of detention
- **R (Kajuga) v SSHD** [2014] EWHC 426 (Admin) – judicial review of the 2-year detention of a person claiming to be from Burundi, but unable to prove that

### **Electoral law**

- **Welsh National Party** – acted for Plaid Cymru in its successful pre-action challenge to the Electoral Commission’s decision to register a new political party in Wales with this name (matter ongoing)

### **Transport**

- **HS2 (Select Committee hearings)** (2016) – acted for a coalition of 12 local authorities, led by Chiltern District Council, who were concerned about the noise impact of the project; also acted separately for Coventry City Council and the HS2 Action Alliance

- **Crossrail** (2007-2008) – one of the team of 5 Landmark Counsel who (i) advised the Department for Transport on the many public law issues arising in this £17 billion scheme; and (ii) appeared for the Department in Select Committee hearings in Parliament relating to the Crossrail Bill

#### **Standards and ethics**

- **R (K) v Public Services Ombudsman for Wales** (CO/336/2020) – successfully defended the conclusions reached by the Ombudsman in response to a complaint about the quality of health and social care received by an elderly person
- **Heesom v Public Services Ombudsman for Wales** [2014] EWHC 1504 (Admin) – intervened for the Welsh Ministers to make submissions about the compatibility of the Welsh ethical standards system for councillors with Article 10 ECHR

#### **Property-related public law**

- **Network Rail v Welsh Ministers** (ongoing) – defending the decision of the Welsh Ministers to confirm a public right of way across a coastal railway in Llandudno Junction, north Wales
- **Wharton Park, Durham** (2017) – acted for Durham County Council in a right of way inquiry: successfully persuaded the inspector to depart from her interim decision and conclude that public use of parkland held under the Public Health Act 1875 and Open Spaces Act 1906 was “by right”, not “as of right”

#### **Duty of candour**

- **R (Khan) v SSHD** [2016] EWCA Civ 416 – obtained an order setting aside a grant of permission to appeal to the Court of Appeal due to a failure to comply with the duty of candour;

#### **Brexit**

- **R (Webster) v Secretary of State for Exiting the EU** [2018] EWHC 1543 (Admin); [2019] 1 CMLR 8 – whether the UK had made a valid decision to withdraw from the EU in accordance with UK constitutional requirements

#### **Other**

- Advising several public authorities across England and Wales on their response to the coronavirus pandemic
- Advised Ofwat on a series of appeals relating to the transfer of private sewers or pumping stations
- Advised various public bodies on the implications of the Wales Act 2017 for the devolution settlement
- Advised the National Accounts Classification Committee on the classification of trust ports

## **Planning law**

Gwion advises on all aspects of planning and compulsory purchase law and he appears regularly in inquiries, in hearings and in court in this area. The main legal directories have recommended Gwion as a leading junior in planning law for several years: “Excellent command of the details”; “He makes complicated cases look straightforward despite difficult points”; “He possesses real mastery of the detail on very technical issues” (Chambers and Partners); “Very smart and excellent on his feet”; “Very user-friendly and easy to work with” (Legal 500).

Gwion has substantial experience of acting for leading housebuilders (Persimmon; William Davis; Bloor; Jelson; Barwood); the retail sector (Homebase; Co-operative Group; Tesco; Toni & Guy); the residential care sector (Lifecare Residences); the entertainment sector (Andrew Lloyd Webber’s Really Useful Group; Pinewood Studios) and the hospitality sector (Mayfair’s Dorchester Hotel). He also has considerable experience of infrastructure schemes, advising developers, local authorities, regulators and community groups on energy schemes and port-related development across England and Wales.

Highlights of Gwion’s recent and ongoing planning work are set out here in two sections: (1) planning inquiries, examinations and hearings; and (2) planning litigation in the courts.

### **(1) Planning inquiries, examinations and hearings**

#### **Housing**

- **Garreglwyd, Pembrey, Carmarthenshire** (ongoing) – promoting a development of 100 homes for Persimmon on appeal
- **543 Commercial Road, London** (2020) – successfully obtained planning permission on appeal for 21 apartments (main issue: affordable housing)
- **Lodge Hill, Medway** (ongoing) – advising the Defence Infrastructure Organisation on proposals to develop some 5,000 homes (with Sasha White QC)
- **10-24 Auriol Road, London** (2017) – successfully obtained planning permission on appeal to demolish a residential block and replace it with a 5-storey building comprising 24 high-end residential units

- **Benner Lane, West End, Surrey** (2016) – successfully obtained planning permission on appeal for 95 houses in a rural location
- **Roman Catholic Diocese of Southwark v Bromley LBC** [2016] P.A.D. 31 – whether the redevelopment of a former school site for housing would amount to inappropriate development in the Green Belt; complex interplay of planning and education policies (acted for Bromley LBC)

### **Infrastructure**

- **Wylfa Newydd nuclear power station, Anglesey** (ongoing) – acted for Natural Resources Wales at the examination hearings and advising on all environmental permits
- **Morlais tidal energy project, Anglesey** (ongoing) – acting for Natural Resources Wales at the examination hearings and again advising on all required permits
- **HS2 (Select Committee hearings)** (2016) – acted for a coalition of 12 local authorities, led by Chiltern District Council, who were concerned about the noise impact of the project; also acted separately for Coventry City Council and the HS2 Action Alliance
- **Tidal Lagoon Swansea Bay** (2015) – acted for Natural Resources Wales throughout the 3-week examination of this application for development consent for the world’s first man-made, energy-generating tidal lagoon
- **Hinkley Point C, Somerset** (2013) – acted for the Marine Management Organisation in the public examination of proposals for a nuclear power station and associated development, with emphasis on marine licensing matters
- **Able Marine Energy Park, Humber** (2012) – acted for Anglian Water in the examination of an application for development consent for a quay on the south bank of the River Humber

### **Motorway services**

- **Vale of York, Kirby Hill, Harrogate** (ongoing) – promoting a new motorway services area between junctions 48 and 49 of the A1(M) on behalf of Applegreen plc (majority owner of Welcome Break) (with Rhodri Price Lewis QC)

### **Aviation**

- **Heathrow Airport** (ongoing) – appointed as specialist counsel to the UK Government and the Planning Inspectorate ahead of the examination of plans to build a new runway
- **Rochester Airport** (ongoing) – advising Medway Council on redevelopment plans (including EIA issues)

### **Tall buildings**

- **Westferry Printworks, Isle of Dogs** (ongoing) – acting for Tower Hamlets Council in a 3-week inquiry, resisting a proposal for a mixed-use scheme including over 1,500 residential units (with Sasha White QC) (see related court litigation below)
- **Conquest House, Bromley** (2017) – successfully defended the decision of Bromley Council to refuse planning permission for a 13-storey mixed use scheme in the centre of Bromley on design grounds
- **‘Zig-zag building’, Lower Sydenham** (2016) – successfully defended the decision of Bromley Council to refuse planning permission for a tall building comprising 253 residential units designed by international architect, Ian Ritchie

### **Residential care**

- **Gondar Gardens, West Hampstead** (2019) – acted for LifeCare Residences in its appeal seeking planning permission to redevelop the site of a former reservoir in north London as a luxury retirement village (with Sasha White QC)

### **Retail**

- **Homebase store, Saffron Walden** (ongoing) – acting for Homebase resisting an appeal seeking planning permission to change the use of the site from retail to a care home use

### **Renewable energy**

- **Crouchland Farm, Plaistow** (2017) – successfully defended enforcement notices issued by Chichester District Council in respect of a commercial anaerobic digestion facility
- **Hill Farm, Ludchurch** (2014) – successfully obtained planning permission for a 72m-high wind turbine in rural Pembrokeshire after a 3-day inquiry
- **Turncole Wind Farm, Essex** (2014) – acted for Maldon District Council, defending its decision to refuse planning permission for 7 more wind turbines on the Dengie Marshes

### **Agriculture**

- **Trewern Farm, Crymych** (ongoing) – acting for one of Wales’ largest dairy farms in certificate and enforcement appeals relating to various farm buildings; complex EIA issues

## **Waste**

- **The Marshes, Yarnton, Oxfordshire** (2015) – acted for Oxfordshire County Council, resisting an appeal against its refusal to grant planning permission for a waste recycling plant in the Green Belt
- **Sutton Courtenay, Oxfordshire** (2014) – acted for Oxfordshire County Council, resisting an appeal against its refusal to grant a new planning permission for existing waste infrastructure with different conditions

## **Plan-making**

- **Isle of Man Strategic Plan 2016** – acted for the Isle of Man Government’s Department of Infrastructure in a public examination of a plan to allow over 5,000 new homes to be built on the island in the period 2011-2026
- **Farnham Neighbourhood Plan 2013-2031** – advised a consortium of developers on a legal challenge to the plan

## **Enforcement**

- **Land north of Birdham Farm, Birdham, West Sussex** (ongoing): successfully resisted appeals against enforcement notices issued by Chichester District Council in relation to one of the largest unlawful traveller sites in England; injunction proceedings outstanding
- **Laundry Cottage, Dangstein, South Downs National Park** (2020) – acted for the South Downs National Park resisting an appeal against an enforcement notice issued in relation to an “eco-learning” centre

## **Other**

- Acted for the Royal Mail in its appeal to the Valuation Office Agency against the community infrastructure levy (“CIL”) liability notice issued in respect of the Mount Pleasant redevelopment
- Advising several local authorities, residents’ associations and private developers in Greater London in relation to basement developments

## **(2) Planning litigation in the courts**

Gwion regularly appears in court in planning-related matters. He has particular experience of challenges that relate to the National Planning Policy Framework, having been sole Counsel for the UK Government in many of the cases on its interpretation. Recent/ongoing highlights include:

### ***National Planning Policy Framework for England***

- **East Staffordshire BC v Secretary of State for Communities and Local Government** [2017] EWCA Civ 893; [2017] PTSR 386 – acted for the Secretary of State in this leading authority on the correct approach to the presumption in favour of sustainable development
- **Braintree DC v SSCLG** [2017] EWHC 2743 (Admin) – successfully defended an inspector’s decision on the meaning of “isolated homes” in the NPPF
- **Forest of Dean DC v SSCLG** [2016] EWHC 421 (Admin) – leading authority on the interplay between the presumption in favour of sustainable development and heritage policy
- **Oadby and Wigston BC v SSCLG** [2016] EWCA Civ 1040; [2017] JPL 358 – successfully defended the decision of an inspector whose approach to the calculation of housing land supply was challenged

### ***Planning Policy Wales***

- **Waterstone Estates v Welsh Ministers** [2018] EWCA Civ 1571 – whether national planning policy in Wales imposes a discrete gateway test of ‘need’ for retail development

### ***Plan-making***

- **William Davis Ltd and others v Charnwood BC** [2017] EWHC 3006 (Admin); [2018] JPL 549 – successfully acted for a consortium of housing developers challenging the lawfulness of adopting, as a supplementary planning document, a document establishing a presumption in favour of a particular housing mix

### ***Neighbourhood planning***

- **Chichester DC v Secretary of State for Housing, Communities and Local Government** [2019] EWCA Civ 1640; [2020] 1 P. & C.R. 9; [2020] JPL 487 – whether an inspector could rationally conclude that a housing proposal breached the “aims” of a neighbourhood plan but not its “policies”

### ***Interpretation of planning permissions***

- **Hillside Parks Ltd v Snowdonia National Park Authority** [2019] EWHC 2587 (QB) – acted successfully for the National Park, defeating a claim seeking to establish that a planning permission granted for housing in 1967 could still be lawfully completed (appeal outstanding)

- **University of Leicester v SSCLG** [2016] EWHC 476 (Admin); [2016] JPL 918 – whether an inspector had erred in his approach to extrinsic evidence when interpreting a planning permission for student accommodation
- **Lawson Builders Ltd v SSCLG** [2015] EWCA Civ 122 – leading authority on the interplay between s. 73 and s. 73A of the Town and Country Planning Act 1990

### **Tall buildings**

- **R (Tower Hamlets Council) v SSHCLG** (CO/725/2020) – successfully acted for the Council in obtaining a quashing of the Secretary of State’s decision to grant planning permission for the Westferry Printworks redevelopment (see above) on the ground of apparent bias (with Sasha White QC)
- **Starbones Ltd v SSHCLG** [2020] EWHC 256 (Admin) – successfully resisted a challenge to the Secretary of State’s decision to refuse planning permission for a tall, mixed use tower – the “Chiswick Curve” – in west London

### **Open space**

- **Renew Land Developments Ltd v Welsh Ministers** [2020] EWCA Civ 143 – acted successfully for the Welsh Ministers in their appeal seeking reinstatement of an inspector’s decision refusing planning permission for housing due to a loss of open space

### **Retail**

- **R (Midcounties Co-operative Ltd) v Forest of Dean District Council** [2015] EWHC 1251 (Admin); [2014] EWHC 3059 (Admin); [2013] EWHC 1908 (Admin) – successfully argued for the claimant that the same grant of planning permission for a rival store should be quashed 3 times, unprecedented in the High Court, for failing to deal properly with the impact on town centre harm (with David Holgate QC and James Maurici QC)

### **Basement development**

- **Eatherley v Camden LBC** [2016] EWHC 3108 – successfully acted for the claimant, challenging a certificate of lawful development granted for a basement extension in London

### **Planning enforcement**

- **Coates v SSCLG** [2017] EWCA Civ 940 – whether a judge had erred in striking out a challenge to an inspector’s decision refusing retrospective planning permission for park homes
- **Kestrel Hydro v SSCLG** [2016] EWCA Civ 784 – successfully acted for the SSCLG in this leading authority reaffirming the **Murfitt** principle in planning enforcement law

### **Energy**

- **R (Friends of the Earth) v North Yorkshire County Council** [2016] EWHC 3303 (Admin) – successfully defended the County Council’s decision to grant planning permission for hydraulic fracking, the first challenge of its kind in the UK (with Sasha White QC)

### **Noise and vibration**

- **R (Trustees of Victoria and Albert Museums, Science Museum and British Museum) v Hammersmith and Fulham Council** (ongoing) – acting for all three museums challenging approvals granted in relation to the redevelopment of the Olympia Exhibition Centre

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## **Environmental law**

Gwion advises on all aspects of environmental law and he has a diverse range of clients spanning the private, public and third sectors. The main legal directories have recommended Gwion as a leading junior in environmental law for several years: “Always produces silk-quality work” (Legal 500, 2020); “Very punchy and incredibly effective”; “Has the ability to rapidly absorb, filter and distil often technical or document-heavy matters and get to the crux of those points that ultimately determine cases” (Chambers and Partners, 2020); “... never fails to impress” (Who’s Who Legal).

For the last 10 years, Gwion has acted for Natural Resources Wales (and its predecessor, Environment Agency Wales) in almost all its environmental litigation in the higher courts. He is also frequently instructed by the Environment Agency, Defra, the Welsh Ministers and the Marine Management Organisation in cases raising issues of environmental law.

Gwion’s commercial clients in this area include several large international corporations (Dalkia plc, Covanta Energy, Kent International Gateway) and UK-based companies (Norton Aluminium, Bio E, Wharf Land Investments). He has also been advising many of the UK’s most respected environmental NGOs for several years, including WWF UK, ClientEarth and Friends of the Earth.

Gwion has particular expertise in the following areas:

- fisheries management
- flood risk management
- water management
- energy
- EU environmental law
- environmental permitting
- waste management
- contaminated land
- harbour management

Highlights of recent and ongoing work include:

#### **Fisheries management**

- **R (Mott) v Environment Agency** [2018] UKSC 10; [2018] 1 WLR 1022; [2018] 2 All E.R. 663 – resisting a challenge brought on A1P1 ECHR grounds to the Agency’s decisions to set low catch allocations for salmon fishing in the River Wye (with James Maurici QC in the Supreme Court; sole Counsel in the courts below)

#### **Flood risk management**

- Advising Cornwall Council on natural flood management measures proposed in the St Austell Resilient Regeneration Project (ongoing)
- **King v Environment Agency** [2018] EWHC 65 (QB); [2018] Env. L.R.19 – successfully defeated, on behalf of the Agency, several claims seeking A1P1 damages for alleged use of agricultural land as a “flood storage” area
- **Sharp v North Essex Magistrates’ Court** [2017] EWCA Civ 1143; [2017] 1 WLR 3789 – successfully resisted, on behalf of the Environment Agency, a claim challenging its use of land entry powers under the Water Resources Act 1991 to carry out flood defence works rather than using compulsory purchase powers (with Dan Kolinsky QC)

#### **Water management**

- **R (Sharp) v Northumbrian Water Ltd** [2020] EWHC 84 (Admin) – successfully acted for the water undertaker, resisting a challenge (on animal welfare grounds) to its decision to enter onto a cattle farm to fix a broken pipe
- **Whitman v Cornwall Council** (2019) – acted for the Council in a 3-day trial resisting an appeal made under the Land Drainage Act 1991 against a notice requiring the landowner to remove blockages in a watercourse
- **River Tywi, Nantgaredig, Carmarthenshire** (2017) – acted for NRW in resisting an appeal by Welsh Water against the decision to vary its abstraction licence due to concerns about shad numbers

#### **Energy**

- **Wylfa Newydd nuclear power station, Anglesey** (ongoing) – acted for Natural Resources Wales at the examination hearings and advising on all environmental permits
- **Morlais tidal energy project, Anglesey** (ongoing) – acting for Natural Resources Wales at the examination hearings and again advising on all required permits
- **R (Friends of the Earth) v North Yorkshire County Council** [2016] EWHC 3303 (Admin); [2017] Env. L.R. 22 – defending the County Council’s decision to grant planning permission for hydraulic fracking, the first challenge of its kind in the UK (with Sasha White QC)
- **Springs Road, Misson** (2016) – advising Nottinghamshire County Council on an application to carry out exploratory drilling for shale gas
- **Tidal Lagoon Swansea Bay** (2015) – acted for NRW throughout the 3-week examination of this application for development consent for the world’s first man-made, energy-generating tidal lagoon
- **Hinkley Point C, Somerset** (2013) – acted for the Marine Management Organisation in the public examination of proposals for a nuclear power station and associated development, with emphasis on marine licensing matters

#### **EU environmental law**

- **R (Seiont, Gwyrfaï and Llyfni Anglers’ Society) v Natural Resources Wales** [2016] EWCA Civ 797 – acted successfully for NRW in the first judicial review to raise issues under the Environmental Liability Directive (with David Forsdick QC)
- **Derwent Hydroelectric Power Ltd v Natural Resources Wales** (2016) – successfully resisted an appeal against NRW’s decision not to grant licences to abstract and impound water on the River Clywedog due to the appellant’s failure to demonstrate no adverse impact on protected bryophytes
- Acting for the Environment Agency in several appeals against its decisions to issue penalty notices under (i) the Greenhouse Gas Emissions Trading Scheme Regulations; and (ii) the CRC Energy Efficiency Scheme Order (ongoing)
- Advised the Welsh Ministers on the transposition of the Marine Strategy Framework Directive (2015);



- Advised NRW in relation to the coal-fired operations at Aberthaw power station and their compliance with the Large Combustion Plant Directive (2014)

### **Environmental permitting**

- **Atlantic Ecopark, Cardiff** (2015) – acted for NRW in a 3-day inquiry, resisting an appeal against the Agency’s decision to revoke environmental permits held by the same parent company across several sites

### **Waste management**

- **R (Newport City Council) v Welsh Ministers** [2009] EWHC 3149 – represented the Welsh Ministers in a challenge to their assessment of landfill allowances for waste disposal authorities in Wales

### **Harbour management**

- Advised the National Accounts Classification Committee on the classification of trust ports (2016)
- **R (Humber Oil Terminals Trustees Ltd) v Marine Management Organisation** [2012] EWHC 3058 (QB) – acted for the Marine Management Organisation in its first judicial review, concerned with the ambit of harbour revision orders under the Harbours Act 1964 (with James Maurici)

## **Qualifications**

Gwion is a former US-UK Fulbright Scholar and has an LLM from New York University specializing in international human rights, language rights and the interface between law and security. This led to his appointment as a Visiting Scholar at the European University Institute in Florence where he pursued his interest in language rights in EU law.

Before he studied abroad, Gwion was a Scholar of Jesus College, Oxford, where he obtained a BA and a BCL (First Class) in Jurisprudence. When studying for the BCL, he focused on English and French public law, human rights, international dispute settlement and the public international law of the sea. During his time at Oxford, Gwion won several prizes for his performance in examinations on administrative law, public international law, criminal law and Roman law, and was awarded the Welson Prize for the most promising law student at Jesus College. He is also a former winner of the Oxford-Cambridge Intervarsity Mooting Competition and a Beddingfield Scholar of Gray’s Inn.

In 2015, Gwion was awarded the BAFTA Wales award for ‘Best Breakthrough’ for presenting a television documentary on the Welsh language.

In 2017, Gwion was appointed to a 3-year term as a member of the Welsh Government’s Welsh Language Partnership Council. The Council was established under the Welsh Language (Wales) Measure 2011 to advise the Welsh Ministers on matters relating to the Welsh language. Gwion serves as the legal member of the Council.

Also in 2017, Gwion was made an Honorary Fellow of Bangor University, Wales, for services to law.

Gwion is Welsh-English bilingual, has good French and is a certified upper-intermediate (B2) Italian speaker (University of Siena, CILS, 2011).

## **Recommendations**

### **Chambers & Partners**

- *“Very succinct and focused.”* (Administrative & Public Law, 2021)
- *“Technically excellent, easy to deal with and very bright. Gwion quickly grasps complex circumstances.”* *“He is solid, effective and hard-working.”* (Agriculture & Rural Affairs, 2021)
- *“An advocate who makes very effective submissions in court and in inquiry.”* (Environment, 2021)
- *“Gwion is an intellectual star and his paperwork is second to none.”* *“He’s a formidable advocate who is very good on his feet, and a fearless litigator who is not daunted by senior people on the other side.”* (Planning, 2021)
- *“Very punchy and incredibly effective.”* (Environment, 2020)
- *“Excellent command of the details.”* (Planning, 2020)
- *“Has the ability to rapidly absorb, filter and distil often technical or document-heavy matters and get to the crux of those points that ultimately determine cases.”* (Environment, 2020)
- *“He’s excellent – very knowledgeable and responsive.”* (Planning, 2020)
- *“He’s very succinct and he’s a likeable, persuasive advocate.”* (Agriculture & Rural Affairs, 2020)
- *“Very thorough in his approach, authoritative on the law and good on his feet in court.”* (Environment, 2019)

- *"He stands out for his forensic approach to proving a point of law."* (Planning, 2019)
- *"He's very thorough in his approach, authoritative on the law and good on his feet in court."* (Agriculture & Rural Affairs, 2019)
- *"Bright and engaging."* (Environment, 2019)
- *"His written work was of the highest standard, and delivered in a timely fashion representing value for money."* (Agriculture & Rural Affairs, 2019)
- *"He makes complicated cases look straightforward despite difficult points."* (Planning, 2018)
- *"He is a pleasure to work with and immensely collaborative. He creates a team feel."* (Environment, 2018)
- *"He possesses real mastery of the detail on very technical issues, and is a confident and effective advocate."* (Planning, 2018)
- *"Provides excellent advice and is approachable. We have great confidence in him."* (Planning, 2017)
- *"He picks up technical details very quickly and thoroughly, and is very good on his feet."* (Environment, 2017)
- *"The extent of the detail and the effort he puts in is fantastic."* (Administrative & Public, 2016)
- *"He is an intelligent and able barrister and is easy to deal with."* (Planning, 2016)
- *"His pleadings are extremely effective."* (Administrative & Public, 2015)
- *"He has a good manner with clients, listens to what others say and is a fearsome cross-examiner."* (Administrative & Public, 2015)

### Legal 500

- *'Pragmatic, approachable, and quick to grasp the issues.'* (Administrative & Public Law, 2021)
- *'A very impressive junior counsel.'* (Planning, 2021)
- *'He always provides comprehensive and detailed written advice and is very personable and easy to work with.'* (Immigration, 2021)
- *'Clients are very impressed with his work and he has given useful advice on wildlife protection issues.'* (Environment, 2021)
- *"Always produces silk-quality work."* (Environment, 2020)
- *"Very smart and excellent on his feet."* (Planning, 2020; Administrative & Public Law, 2020)
- *"He always provides comprehensive and detailed written advice and is personable and easy to work with."* (Immigration, 2020)
- *"Very user-friendly and easy to work with."* (Planning, Environment, 2017)
- *"An impressive barrister with a growing reputation."* (Administrative & Public, 2017)
- *"Intellectually very capable and confident for someone of his call."* (Administrative & Public, 2016)
- *"He grasps technical details very quickly and is very well prepared."* (Planning, 2016)
- *"A top-class advocate; he has a good manner and is quick on his feet."* (Administrative & Public, 2015)
- *"He is excellent at picking up difficult technical issues quickly."* (Planning, 2015)
- *"Inspires confidence."* (Planning, 2014)

### Who's Who Legal

- Recommended as a "National Leader" (Environment, 2020)
- *"[He] instils confidence in his clients thanks to his high level expertise."* (Environment, 2018)
- *"Gwion never fails to impress with his ability to produce high-quality and succinct arguments designed to win in a very short time frame."* (Environment, 2018)

## A fearless litigator

Chambers & Partners

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### Cases

26 May 2020	Secretary of State's decision to approve tall tower scheme quashed for apparent bias
14 May 2020	Electoral Commission to reconsider registration of the Welsh National Party
13 Feb 2020	Welsh Ministers succeed in appeal against "mistaken" Planning Court judgment on open space policy

22 Jan 2020	High Court: Water undertaker did not breach any legitimate expectation in efforts to repair broken pipe
07 Feb 2019	High Court: No systemic unlawful delay in consideration of trafficking claims
10 Dec 2018	High Court: Balance of probabilities is a lawful standard for final trafficking decisions
22 Oct 2018	Wylfa Newydd Nuclear Generating Station Order
21 May 2018	Court of Appeal: Support given to potential victim of trafficking in detention was sufficient
28 Mar 2018	Court of Appeal rules on meaning of “isolated” in NPPF 55
23 Mar 2018	Court of Appeal clarifies scope for challenging trafficking decisions in immigration appeals
16 Feb 2018	Supreme Court rules on Article 1, Protocol 1 in salmon fishing case
22 Jan 2018	King v Environment Agency [2018] EWHC 65 (QB)
23 Nov 2017	Housing mix policy quashed by the High Court
23 Nov 2017	William Davis Ltd v Charnwood BC [2017] EWHC 3006 (Admin)
15 Nov 2017	Planning Court: The meaning of “new isolated homes” in NPPF para. 55
13 Nov 2017	Immigration: Applications for leave relying on domestic violence not necessarily “human rights claims”
31 Jul 2017	Court of Appeal: Environment Agency not required to compulsorily purchase land to carry out flood defence works
05 Jul 2017	Court of Appeal resolves conflicting judgments on paragraph 14 NPPF
24 Mar 2017	New UK-Somalia ‘Memorandum of Understanding’ justifies ongoing detention of Somalian national after 3 years 9 months
07 Mar 2017	Relta v GLA [2017] EWHC 671 (Admin)
20 Dec 2016	Planning Court rejects North Yorkshire fracking challenge
02 Dec 2016	Important High Court judgment on basement development
25 Nov 2016	Planning Court rules that paragraph 14 NPPF defines full scope of presumption in favour of sustainable development
22 Nov 2016	Welsh-medium primary school to remain open after successful judicial review
02 Nov 2016	FT reports on forthcoming High Court basement challenge
27 Oct 2016	Court of Appeal rejects appeal in Oadby & Wigston case
31 Aug 2016	Scientific doubt about effects of waterfall mist defeats hydropower scheme
16 Aug 2016	Welsh school closure quashed after “hopelessly confused” consultation
29 Jul 2016	Court of Appeal dismisses appeal in first UK case on the Environmental Liability Directive
29 Jul 2016	First judicial review claim alleging breach of Article 4 ECHR operational duty in trafficking case dismissed
22 Jul 2016	Court of Appeal reinforces statutory basis for the Murfitt principle in planning enforcement

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22 Jul 2016	Court of Appeal reinforces statutory basis for the Murfitt principle in planning enforcement
29 Jun 2016	High Court hears challenge to closure of Welsh language primary school
04 May 2016	Court of Appeal sets aside permission to appeal for breach of duty of candour
18 Dec 2015	High Court considers Environmental Liability Directive for the first time
06 May 2015	High Court quashes Cinderford superstore permission for the third time
09 Mar 2015	Long-running Cinderford supermarket dispute returns to the High Court
09 Mar 2015	Court of Appeal rules on the interplay between s. 73 and s. 73A of the TCPA 1990
10 Feb 2015	Upper Tribunal rules that "residence" in another EEA State is a judgment of fact and degree
12 Jun 2014	Planning permission for mid-Wales 'super dairy' upheld
06 Mar 2014	High Court orders NS&I to reinstate Welsh language scheme
21 Feb 2014	Welsh Language Commissioner makes history challenging Treasury-backed NS&I
01 Nov 2012	Marine Management Organisation succeeds in first judicial review
03 Feb 2010	High Court dismisses contaminated land remediation notice judicial review
24 Feb 2009	Toni & Guy Win Rare Appeal Against a Visual Amenity Notice
26 Jan 2009	Toni & Guy (Fulham) v London Borough of Hammersmith and Fulham
07 Dec 2008	House of Lords Committee recommends New York-style hygiene displays for London eateries
20 Nov 2008	Hertford County Council v National Grid Gas
06 Apr 2008	Reverend Raliatu Braimoh v Transport for London
28 Jan 2008	Really Useful Group v Barclays Bank Plc
10 Jan 2008	Wandsworth Borough Council v JCDecaux UK
01 Jan 2008	Crossrail Bill (Parliamentary Hybrid Bill proceedings) [from 2004 and continuing]
21 Dec 2007	London Borough of Hounslow v Verma
12 Dec 2007	Environment Agency v Leslie Tucker Dunn
07 Dec 2007	London Borough of Brent v Asiansky Television
03 Oct 2007	Jabang v Transport for London
02 May 2007	Mancunian Mercantile System v Welsh Water
30 Nov 2006	Mounhal v Secretary of State for the Home Department

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## Inquiries

13 Apr 2021	New Motorway Service Area approved for the A1(M) in Yorkshire
10 Feb 2020	543 Commercial Road, London, E1
11 Oct 2017	Inspector dismisses planning and enforcement appeals relating to 34,000tpa commercial anaerobic digestion facility in the West Sussex countryside
15 Aug 2017	Right of way inspector: Public use of land held under the Public Health Act 1875 and Open Spaces Act 1906 “by right” not “as of right”
28 Mar 2017	Revised tall building proposal for Bromley town centre “concentrated on overcoming the wrong problems”
03 Mar 2017	Broadmead House, 10-24 Auriol Road, London
30 Nov 2016	East of Benner Lane, West End, Surrey
02 Sep 2016	‘Zig-zag’ housing scheme designed by international architect dismissed on appeal
25 Apr 2016	Secretary of State: Housing proposal that conflicts with an emerging neighbourhood plan is “not sustainable”
16 Mar 2016	Secretary of State: Housing proposal that conflicts with neighbourhood plan is not “fully sustainable”
14 Dec 2015	Inspector recommends adoption of Draft Isle of Man Strategic Plan 2015
17 Jun 2015	Development consent granted for the world’s first man-made tidal energy lagoon
01 Aug 2014	Examination of plans for the world’s first man-made tidal energy lagoon opens in Swansea
09 Jul 2010	Inquiry into Energy from Waste plant at Ardley, Oxfordshire
18 Sep 2009	Inquiry into state-of-the art in-vessel composting facility at Wisley Airfield
03 Dec 2008	Gwyneth Lane, Garson Field Farm, Wraysbury
25 Nov 2008	86 Warham Road, Croydon
13 Nov 2008	Cavick House Farm, Wymondham, Norfolk
29 Oct 2008	The Limes, North Orbital Road, St Albans
30 Sep 2008	RAF Upper Heyford, Bicester, Oxfordshire
22 Jul 2008	Dunlopillo Latex Foam Ltd, Pannal, Harrogate
26 Jun 2008	Bridgefoot Meadows, Kirdford, Sussex
07 Mar 2008	Richard King v Portsmouth City Council
04 Mar 2008	1 & 2 Hill Farm Cottages, Thursley, Surrey
26 Feb 2008	Westway Advertising Towers, Borough of Kensington and Chelsea
23 Jan 2008	7 Willett Road, Croydon
04 Dec 2007	Fairlands, Biggleswade, Mid-Bedfordshire

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06 Nov 2007	Pennoxstone Court, Hereford
23 Oct 2007	Marydell, Culverstone
11 Sep 2007	Broom House, Tower Road, Hindhead, Surrey
31 Jul 2007	Cornerways, Hindhead, Surrey
22 Nov 2006	Pepperbox Stud, Surrey
01 Jan 2004	Crossrail Bill (Parliamentary Hybrid Bill proceedings) [from 2004 and continuing]

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## **Publications**

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15 Apr 2020	A Comprehensive Guide to the Latest Planning Law, Practice and Policy (Part One) – Webinar
15 Apr 2020	The 10 leading planning cases over the past year
02 Nov 2015	Planning and the Welsh Language
12 Jun 2013	Natural Resources Wales: Challenges and Opportunities
31 Oct 2012	Planning & Environmental Law in Wales: 2011 Update – Environmental Case Law Update
12 Mar 2012	What is a Village Green?
21 Sep 2011	Town & Village Greens – The nature of and legal framework for town or Village Greens
19 Nov 2010	High Court Planning Challenges – Case Law Update

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