



Richard Moules

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Expertise

Planning, Property, Public, Environment

Overview

Richard was called in 2005. He specialises in planning & compulsory purchase, environmental, and public law.

He undertakes work for private developers, central and local government, public bodies and interest groups. He is a member of the Attorney-General's "A" panel of counsel.

Planning

Richard's planning practice encompasses all aspects of planning both at inquiries and hearings and in the Higher Courts. He also advises clients on all aspects of planning law, including policy formulation, development control and enforcement. Richard regularly advised on s.96A and s.73 applications for major development schemes. His practice also encompasses compulsory purchase and compensation, harbours, highways, rights of way, commons registration and village greens (both inquiries and in the Higher Courts).

(i) Planning Inquiries: Richard's planning inquiry experience is wide ranging with a particular focus on large retail schemes (including recently having successfully acted in successful called-in inquiries for a designer outlet centre (Scotch Corner) and a shopping centre extension in England's first business neighbourhood plan area (Intu Milton Keynes)). Richard is also acting for the developers in the Cribbs Causeway Mall call-in and in December 2017 he successfully acted for the Secretary of State defending the called-in Tollgate, Colchester decision.

(ii) Examinations in public: Richard has appeared at several Core Strategy examination hearings for developers and interest groups. He has also advised a number of local planning authorities on issues related to preparation of Development Plans.

(iii) High Court planning work: His most recent high-profile planning cases include:

- *Richborough Estates Ltd v Secretary of State for Housing, Communities and Local Government* [2018] EWHC 33 (Admin) (successfully defending the Written Ministerial Statement on Neighbourhood Planning);
- *Gladman Developments Ltd v Secretary of State for Communities and Local Government* [2017] EWHC 2768 (Admin) (on the implications of air quality and the 'ClientEarth' judgment for planning decision-making –one of the top 10 cases of 2017 in Planning Magazine);
- *R. (on the application of Mars Jones) v Secretary of State for Business, Energy and Industrial Strategy*[2017] EWHC 1111 (Admin) (successfully defending the North Wales Wind Farm Connection (Correction) Order 2017 DCO for a 17.4km high voltage pylon route to connect a number of wind farms in North Wales to the grid).

(iv) Planning Act 2008 and infrastructure: Richard regularly acts for Government defending challenges to Planning Act 2008 decisions (e.g. *R. (on the application of Mars Jones) v Secretary of State for Business, Energy and Industrial Strategy* [2017] EWHC 1111 (Admin) and *R. (on the application of Mynydd y Gwynt Ltd) v Secretary of State for Business, Energy and Industrial Strategy* [2016] EWHC 2581 (Admin); [2017] Env. L.R. 14). He has also acted for the Marine Management Organisation in the DCOs: Thames Tideway Tunnel; Hinckley Point C; Preesall Underground Gas Storage Facility.

Richard has considerable airport-related experience. He acted for the Department of the Environment in Northern Ireland at inquiry concerning the expansion of flights from Belfast City Airport. He advised London City Airport on its planning application for expansion, advised Bristol City Airport on expansion under permitted development rights and advised Foster+Partners in relation to the environmental implications of the proposed Isle of Grain airport ('Boris Island').

In terms of other infrastructure, Richard promoted a CPO to regenerate Peckham Rye Station & its environs and advised on the making of harbour revision orders for the Port of Dover.

(v) CPO: Richard advises on compulsory purchase and compensation issues. He promotes CPOs through public inquiries for development schemes, including for town centre redevelopments. His most recent major CPOs include successfully promoting: Peckham Rye Station (£30m scheme); Southall Gasworks Site (London Mayor's first CPO); Whitgift Croydon (for a Westfield & Hammerson joint venture shopping centre); and Lewisham Gateway (transport and town centre regeneration). Richard has also defended a number of High Court challenges to CPO orders including *Swish Estates Ltd v Secretary of State for Communities and Local Government* [2017] EWHC 3331 (Admin). In the field of CPO compensation, Richard has acted for Nottingham City Council in a multi-million pound CPO compensation claim, he is currently acting in relation to the compensation claims arising out of the Southall Gasworks CPO acted for the Highways Agency in CPO compensation claim in respect of Bedford Bypass and the for Olympic Delivery Authority and Secretary of State for Culture Media and Sport in relation to compensation claims arising out of the London Olympic & Paralympic Games.

(vii) Rights of way and highways: Richard has acted in a number of rights of way inquiries and regularly advises on highways issues including highways orders under the Highways Act 1980. He acted for the successful developer obtaining a stopping up order to facilitate the Intu Milton Keynes shopping centre extension. Richard is also acting for the City of London and Southwark LBC in arbitrations against TfL concerning the vesting of GLA roads, and the associated litigation (*Southwark LBC v Transport for London*[2017] EWCA Civ 1220 –permission granted to appeal to the Supreme Court).

In *Wheeler v Norwich Magistrates*, on an appeal by way of case stated, Richard successfully for the Ramblers' Association and established that the Magistrates' Court lacked jurisdiction to award costs to 3rd parties (usually the landowner) in complaints under the Highways Act 1980.

(viii) Marine Regulation (including Harbours and marine licensing): Richard's marine work covers a number of marine

regulatory matters including statutory harbour powers, harbour dues, harbour orders, marine licensing and marine planning.

Richard advises on all aspects of marine regulatory law. His clients include ports, harbours, local authorities, regulators and interest groups. He has particular expertise in the following areas:

- Interpretation of and compliance with statutory harbour powers
- Harbours dues and use of revenue
- Marine licensing
- Marine planning
- EIA
- Water regulation
- Environmental permitting

Recent/ongoing cases include:

- Richard acted successfully for the interested party defending the first judicial review brought of the Marine Management Organisation: see *R. (Humber Oil Terminals Trustee Ltd) v Marine Management Organisation* [2012] EWHC 3058 (QB).
- Advising a statutory harbour authority in relation to its statutory harbour powers connected with harbour dues and other charges.
- Advising a statutory harbour authority in relation to a number of claims against it connected with the levying of harbour dues.
- Advising in respect of a challenge against a statutory harbour authority based on a failure to comply with statutory harbour duties and misappropriation of harbour funds.
- Acting for the Marine Management Organisation defending its decision to grant a licence for marine dredging near Devonport Naval Base
- Advising the Marine Management Organisation in relation to its licensing guidance and in relation to data sharing
- Thames Tunnel: Acting for the Marine Management Organisation at the DCO hearings
- Advising the Marine Management Organisation in relation to the drawing up of the first Marine Plans.
- Hinckley Point C: Acting for the Marine Management Organisation at the DCO hearings
- Acting for the Environment Agency at 2 week inquiry in test cases concerning its approach to water permitting

Environment

Richard's environmental law practice is wide-ranging, covering matters such as habitats and species protection, contaminated land, air quality, waste, access to environmental information, statutory and common law nuisance and all aspects of environment impact assessment, strategic environmental assessment and environmental permitting. He has also been involved in a number of cases concerning marine environmental issues.

(i) EIA: Richard has appeared in a number of important cases on EIA including: *Bent v Cambridgeshire CC* [2017] EWHC 1366 (Admin) (assessment of quarry noise); *R. (on the application of Waters) v Breckland DC* [2016] EWHC 951 (Admin) (enforcement and EIA); *R. (on the application of Community Against Dean Super Quarry) v Cornwall Council* [2017] EWHC 74 (Admin) (enforcement and EIA); and *R (on the application of Oldfield) v SSCLG* [2014] EWCA Civ 1446 (cumulative assessment). He regularly advises developers, planning authorities and interest groups on the adequacy of environmental statements.

(ii) SEA: Richard acted for the Government reviewing the SEAs produced prior to the revocation of Regional Strategies, he also advises local authorities on SEA for plan-making.

(iii) Air quality: Richard has particular expertise in air quality issues (affecting both human and ecological receptors). He acted in High Court cases such as *Gladman Developments Ltd v Secretary of State for Communities and Local Government* [2017] EWHC 2768 (Admin) and *Wealden DC v SSCLG* [2017] EWHC 351 (Admin).

(iv) Habitats and species protection law: recent cases include *Wealden DC v SSCLG* [2017] EWHC 351 (Admin) (habitats and air quality); *R. (on the application of Mynydd y Gwynt Ltd) v Secretary of State for Business, Energy and Industrial Strategy* [2017] Env. L.R. 14 (appropriate assessment & red kite); *R (McMorn) v Natural England* [2016] Env. L.R. 14 (licensing shooting buzzards). Richard has acted in numerous planning appeals concerning habitats and species protection issues. Richard advises on all legal aspects of habitats and species protection. He has worked on a number of high profile appeals and High Court cases in relation to shooting estates and shooting rights (including Walshaw Moor); *RSPB v SSCLG* [2014] EWHC 1523 (Admin)(appropriate assessment and airport development affecting birds).

Richard advised Natural England and a consortium of local planning authorities in relation to the Thames Basin Special Protection Area. He also regularly advises the Marine Management Organisation on habitats issues in relation to its licensing and enforcement decisions.

(v) Fracking: Richard has advised the Government on the drafting of secondary legislation regulating fracking.

(vi) Nuisance & other property/environmental issues: Richard often acts in property cases involving environmental law aspects. He is currently acting as junior to Tom Weekes QC in relation to a nuisance claim by residents who claim the Tate Modern extension is a nuisance/infringes their right to privacy. Richard successfully represented United Utilities Water Plc in the Supreme Court in a case concerning the right of utility companies to discharge into private watercourse (led by Jonathan Karas QC) (*Manchester Ship Canal Co Ltd v United Utilities Water Plc*[2014] 1 W.L.R. 2576)

(vii) Enforcement including civil sanctions: Richard regularly advises the Environment Agency in relating to environmental permitting decisions and enforcement, and acts for the Agency at inquiry defending their enforcement decisions. He advised the Environment Agency on its policy for accepting enforcement undertakings.

(viii) Environmental permitting and licensing: Richard regularly advises the Environment Agency in relation to environmental permitting issues. He acted for the Environment Agency at 2 week inquiry in test cases concerning its approach to water permitting

(iv) Waste: Richard regularly advises on complex waste issues. He is currently acting for the Environment Agency in a challenge to its end of waste decision-making in relation to waste oils.

(x) Water & flooding: In addition to advising developers and planning authorities on flooding issues in the planning context, Richard acted for the City of London defending its decision to proceed with the £17m Ponds Project on Hampstead Heath: *R. (on the application of Heath & Hampstead Society) v City of London* [2015] P.T.S.R. 987. Richard successfully represented United Utilities Water Plc in the Supreme Court in a case concerning the right of utility companies to discharge into private watercourse (led by Jonathan Karas QC) (*Manchester Ship Canal Co Ltd v United Utilities Water Plc* [2014] 1 W.L.R. 2576). Richard also regularly advises on environmental permitting affecting water and acted for the Environment Agency at 2 week inquiry in test cases concerning its approach to water permitting.

Public

Richard has a wide-ranging public law practice beyond planning and environmental cases. His public law practice includes social security, education, regulatory, local government (including local government finance), EU law and all aspects of human rights law.

Richard has lectured and published widely on the subject of public law.

Property

Richard's property work relates closely to his planning and environmental practice and includes proceedings in respect of injunctions for nuisance and trespass arising out of the development of land; disputes in respect of s106 agreements and restrictive covenants; and disputes arising out of development agreements which are conditional upon planning consent being obtained.

Qualifications

Richard read law at Fitzwilliam College, Cambridge (BA 2001; LLM 2003 (First Class)). He was awarded the Alexander LLM Scholarship and the Huston Putnam Lowry LLM prize.

Since 2003 Richard has been a supervisor in administrative law teaching students at a number of Cambridge colleges. Richard obtained the BVC (Outstanding) from the College of Law in 2004 and was awarded the Baron Van der Heyden De Lancey Prize by Middle Temple, and the 1 Essex Court Prize for Advocacy by the College of Law, 2004.

Recommendations

"A standout." "He has considerable talents and is tenacious." **Chambers & Partners, 2021 - Environment**

"He's extremely strong for environmental planning and he has a phenomenal intellect." "Richard is the next big thing at the junior end of the Bar - he's affable, approachable and can-do, and he gets it done." **Chambers & Partners, 2021 - Planning**

'Richard is very calm and considered and an effective advocate. He slots in well to the wider team and is extremely diligent.' **Legal 500, 2021 - Planning**

'He has a superb ability to digest a huge amount of information and turn those facts into a coherent and comprehensive legal position.' **Legal 500, 2021 - Environment**

"He's very good: he's commercial, picks up the points quickly and is a very clear, confident and thorough advocate. A barrister who's going places." **Chambers & Partners, 2018 - Planning**

"A clear, confident and thorough advocate. He's going places." "He is really clear, receptive to a good dialogue and very easy to work with. He tailored his advice to precisely what I wanted." "He's technically excellent and knows his way around." **Chambers & Partners 2018 - Environment**

"He is very bright, very approachable and unflappable." **Legal 500, 2017 - Environment**

"He is able to retain an extraordinary amount of information and use it to his advantage." **Legal 500, 2017 - Planning**

Publications

Richard was a Fellow of Fitzwilliam College, Cambridge and a Newton Trust Lecturer at the University of Cambridge. He has lectured and published widely in the areas of public, planning and environmental law, including his books *Actions Against Public Officials: Legitimate Expectations, Misstatements and Misconduct* (2009, Sweet & Maxwell) and *Environmental Judicial Review* (2011, Hart). He is also a contributor to the *Encyclopaedia of Planning Law*.

Very bright, very approachable and unflappable

Legal 500

Cases

18 Jan 2021	Wild Justice v Natural Resources Wales [2021] EWHC 35 (Admin)
17 Oct 2019	Heathrow expansion judicial review hearings to begin in the Court of Appeal
06 Sep 2019	Thomson v Marine Management Organisation and others [2019] EWHC 2368 (Admin)
02 Mar 2018	Court reserves judgment in "end of waste" Judicial Review
07 Nov 2017	Richborough Estates Ltd v Secretary of State for Housing, Communities and Local Government [2018] EWHC 33 (Admin)
03 Nov 2017	Travis Perkins (Properties) Ltd v Westminster City Council [2017] EWHC 2738 (Admin)
18 Oct 2017	Gladman Developments Ltd v Secretary of State for Communities and Local Government [2017] EWHC 2768 (Admin)
09 Aug 2017	Swish Estates Ltd v Secretary of State for Communities and Local Government [2017] EWHC 3331 (Admin)
04 Aug 2017	Southwark LBC v Transport for London [2018] P.T.S.R. 333

04 Jul 2017	R (on the application of Hussain) v Parole Board for England and Wales [2017] EWCA Civ 1074; [2017] 1 W.L.R. 3748
16 Jun 2017	Stroud District Council v SSCLG [2017] EWHC Admin
05 Jun 2017	R (on the application of Mars Jones) v Secretary of State for Business, Energy and Industrial Strategy [2017] EWHC 1111 (Admin)
04 Apr 2017	Moulton Parish Council v Secretary of State for Communities and Local Government [2017] EWHC 1047 (Admin); [2017] J.P.L. 1144
28 Mar 2017	Bent v Cambridgeshire CC [2017] EWHC 1366 (Admin)
21 Mar 2017	Wealden District Council v Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority [2017] EWHC 351 (Admin)
01 Mar 2017	Southwark LBC v Transport for London [2017] EWCA Civ 1220
10 Feb 2017	R. (on the application of DLA Delivery Ltd) v Lewes DC [2017] EWCA Civ 58
19 Oct 2016	R. (on the application of Mynydd y Gwynt Ltd) v Secretary of State for Business, Energy and Industrial Strategy [2016] EWHC 2581 (Admin); [2017] Env. L.R. 14
26 Jul 2016	R. (on the application of Hawksworth Securities Plc) v Peterborough City Council [2016] EWHC 1870 (Admin)
09 Jun 2016	Rhoscrowther Wind Farm Ltd v Welsh Minsters [2016] EWHC 1388 (Admin)
06 May 2016	R. (on the application of Waters) v Breckland DC [2016] EWHC 951 (Admin)
23 Mar 2016	Dartford BC v Secretary of State and Fairview New Homes Limited [2016] EWHC 649 (Admin)
24 Feb 2016	Meisels v Secretary of State for Communities and Local Government [2016] EWHC 829 (Admin)
25 Jan 2016	R. (on the application of Community Against Dean Super Quarry) v Cornwall Council [2017] EWHC 74 (Admin)
22 Jan 2016	Robinson v Secretary of State for Communities and Local Government [2016] EWHC 634 (Admin)
21 Jan 2016	Dartford BC v Secretary of State for Communities and Local Government [2016] EWHC 635 (Admin)
11 Jan 2016	Budhdeo v Secretary of State for Communities and Local Government [2016] EWHC 21 (Admin)
01 Dec 2015	London Borough of Southwark v Transport for London [2015] EWHC 3448 (Ch)
17 Nov 2015	Al-Najafi v Secretary of State for Communities and Local Government
18 Feb 2015	London Borough of Southwark & City of London Corporation v Transport for London [2015] EWHC 383 (Ch)
05 Jan 2015	R. (on the application of Heath & Hampstead Society) v City of London [2015] P.T.S.R. 987
07 Nov 2014	R (on the application of Doug Carnegie) v London Borough of Ealing
07 Nov 2014	R (on the application of Oldfield) v SSCLG [2014] EWCA Civ 1446
23 Jul 2014	R (on the application of Stentor Music Co Ltd) v Reigate & Banstead BC
16 May 2014	RSPB v SSCLG [2014] EWHC 1523 (Admin)

21 Mar 2014	Brown v Carlisle [2014] EWHC 707 (Admin)
20 Dec 2013	Class J permitted development rights challenge
20 Dec 2013	Islington LBC v SSCLG [2013] 4009 (Admin)
19 Dec 2013	R (on the application of Peel Land and Property Investment Plc) v Hyndburn BC [2013] EWCA Civ 1680
28 Oct 2013	Jaytee (Rainton) LLP & ors v Secretary of State for Communities and Local Government [2013] EWHC 2835 (Admin)
13 Feb 2013	KS (Burma) v SSHD [2013] EWCA Civ 67
05 Feb 2013	R (on the application of Thebo) v Entry Clearance Officer (Pakistan) [2013] EWHC 146 (Admin)
01 Nov 2012	Marine Management Organisation succeeds in first judicial review
04 Apr 2012	Wainhomes (South West) Holdings Ltd v SSCLG [2012] EWHC 914 (Admin)
02 Feb 2012	High Court orders judicial review of bid to ban heather burning
11 Apr 2011	R (on the application of Milton Keynes Council) v SSCLG [2011] EWHC 1060 (Admin)
21 Jul 2008	Cantrell v Wycombe DC [2008] EWCA Civ 866
01 Jan 1970	Manchester Ship Canal Co Ltd v United Utilities Water Plc [2014] UKSC 40

Inquiries

05 Sep 2017	Cribbs Causeway Mall call-in
05 Sep 2017	Intu Milton Keynes call-in
31 Jan 2017	Peckham Rye Station CPO
02 Dec 2016	Secretary of State grants planning permission for new designer outlet centre at Scotch Corner
08 Jul 2015	Southall Gasworks CPO
03 Feb 2015	Whitgift CPO Croydon
29 Jan 2014	Javelin Park Inquiry closes
25 Jun 2013	Rushden Lakes call-in
10 Jan 2012	Walshaw Moor Estate Inquiry

Publications

11 Jan 2021	Virtual Inquiries: Top Tips - webinar
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30 Jul 2020	Role of CAADs - issues and risks
30 Jul 2020	Delivering Major Infrastructure: Part 4 - Land compensation issues - scheme cancellation and planning assumptions - Webinar
02 Jul 2020	Virtual Inquiries: a guide - Webinar
02 Jul 2020	The case management conference and preparation for virtual appeals
10 Jun 2019	Office To Flats Planning Issues
13 Nov 2017	Current retail planning issues
07 Mar 2017	Oakley and the duty to give reasons - Richard Moules
01 Nov 2011	Planning & Environmental Law for Property Lawyers - Recent cases in planning and environment relevant to property lawyers
01 Nov 2010	Managing the Marine Environment: The English Coastal Route
01 Nov 2010	High Court Planning Challenges - Practice and Procedure Update