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Expertise

Planning, Environment, Rating, Public, European Union Law

Overview

Alistair was called to the bar in 2011 and his areas of practice are planning and environmental, and public law. He is the author of *Interpreting the NPPF: the New National Planning Policy Framework* (Bath Publishing, 2018). In 2019 and 2020 he was ranked by Planning Magazine in the list of the top-rated planning juniors under 35. He has appeared in leading cases in the Court of Appeal. He has been a member of the Attorney General's Panel of Civil Counsel (C Panel) since 2017 (moving up to the 'B' panel on 1 September 2021).

The Legal 500 said of Alistair in 2020:

"Alistair is a highly skilled advocate, he is very thorough with both submissions and advice, is very responsive to queries and is able to quickly digest complicated issues and pull out key points."

Planning and Environmental Law

Alistair has been in a number of significant cases.

- *R (Hawkhurst Parish Council) v Tunbridge Wells BC* [2020] EWHC 3019 (Admin) – Alistair appeared unled for the Claimant (the Interested Party was represented by a QC). This case raised the correct approach to transport assessment under para. 109 of the NPPF.
- *R (Judson) v Amber Valley BC* [2020] EWHC 517 (QB) – Alistair appeared unled for the Claimant (the Council was represented by a QC). This case concerned whether the Council, in granting planning permission, had lawfully considered the question of contamination at the site.
- *City and Country Bramshill Ltd v SSHCLG* [2019] EWHC 3437 (Admin) – Alistair appeared for the Secretary of State, led by Guy Williams, in relation to this challenge to a decision of a planning inspector concerning a 106-hectare estate containing the Grade I-listed Bramshill Mansion. The High Court considered a number of matters, including the interpretation of national policy on isolated dwellings in the countryside, and heritage. The Claimant appealed to the Court of Appeal (at which the Secretary of State was also represented by Guy and Alistair); judgment is awaited.
- *R (Shirley) v SSHCLG* [2019] PTSR 1614 – Alistair appeared for the successful Secretary of State, led by James Maurici QC. This case concerned a challenge to the refusal of the Secretary of State to call in a planning application for his own consideration, and raised arguments concerning the Air Quality Directive. The appeal was dismissed on all grounds.
- *R (Historic England) v Milton Keynes Council* [2019] JPL 28 – Alistair appeared for the successful local planning authority, unled (the Claimant was represented by a QC). This case concerned the duties on local authorities when determining planning applications in conservation areas, and the requirement to give reasons under the EIA regime.
- *Dunnett Investments Ltd v SSCLG* [2017] JPL 848 – Alistair appeared for the appellant, led by Christopher Katkowski QC. The appeal concerned the important question of the exclusion of permitted development rights by condition.
- *R (West Berkshire DC and Reading BC) v SSCLG* [2016] 1 WLR 3923 – Alistair appeared for the local authorities, led by David Forsdick QC. This case concerned a challenge to new national policy concerning developer contributions from small developments, and the vacant building credit.
- *R (Smech Properties Ltd) v Runnymede BC* [2016] JPL 677 – Alistair appeared for the Appellant led by James Maurici QC, in a case concerning the discretion of the court not to quash a grant of planning permission.
- *Jones v Mordue* [2016] 1 WLR 2682 – Alistair appeared unled for the successful appellant in the Court of Appeal, in this significant case concerning the approach to challenging decisions of Planning Inspectors in the heritage context.

Alistair appeared unled for the successful Secretary of State in (to his knowledge) the first ever determined appeal under the Welfare of Wild Animals in Travelling Circuses Regulations 2012. Alistair appeared for the Environment Agency, led by Charles Banner, in the inquiry concerning water abstraction from the Test, Itchen and Candover.

In addition to major court challenges, Alistair has experience of proceedings before Planning Inspectors. He was junior to Graeme Keen QC in promoting the County Durham Plan at examination. He represented a group of developers at the Epping Forest Local Plan Examination (led by Charles Banner). He appeared for the Local Planning Authority in a planning inquiry into a residential scheme in November 2020, raising issues of landscape/visual impact and heritage impact. He represented the developer at a two week inquiry into a residential-led scheme (led by David Elvin QC), and the local planning authority at the call-in inquiry concerning intu Milton Keynes (also led by David Elvin QC).

Alistair has a wide-ranging advisory practice. As well as his book on interpreting the NPPF, Alistair is the editor of the Digest of Decisions interpreting the 2012 NPPF, and an Assistant Editor of the Planning Encyclopedia.

Public

Alistair has a broad range of experience in public law matters. In the field of social security, he appeared for the successful Secretary of State, led by David Blundell, in a lead case on the interpretation of EU Regulation 1408/71: *SSWP v MC* [2019] UKUT 84 (AAC). He appeared for the successful Secretary of State, unled, in *SSWP v RR* [2019] PTSR 19 (a case concerning whether a room counted as a bedroom for the purposes of the Housing Benefit Regulations 2006, reg B13(2)). He represented the appellant in *IG v SSWP* [2016] UKUT 176 (AAC), a case concerning payment of benefits and EU Regulation 883/04.

In the field of immigration, Alistair appeared for the successful Secretary of State, led by Sasha Blackmore, in *R (Taste of India Ltd) v SSHD* [2018] EWHC 414 (Admin), a case concerning Tier 2 sponsor licences. He appeared for the second appellant in the Iran Country Guidance case *SSH and HR (illegal exit: failed asylum seeker) Iran CG* [2016] UKUT 308 (IAC).

Alistair is the Assistant Editor of the Journal *Judicial Review*. He has taught Administrative Law for many years, and is External College Lecturer in Law at Magdalene College, Cambridge.

Rating

Alistair represented the Valuation Officer in successfully resisting two sets of appeals in the Upper Tribunal (Lands Chamber) concerning the changes introduced following the decision of the Supreme Court in *Woolway (VO) v Mazars LLP*:

- *Libra Textiles Ltd (t/a Boundary Mill Stores) v Roberts (Valuation Officer); Centric Assets Ltd v Alford (Valuation Officer)* [2020] RA 389
- *Roberts (Valuation Officer) v Backhouse Jones Ltd* [2020] RA 209

European Union Law

Alistair's practice raises matters of European Union law. In the context of planning and environmental law, the decision of the Court of Appeal in *R (Shirley) v SSHCLG* [2019] EWCA Civ 22 included arguments on the interpretation of the Air Quality Directive. The social security cases *SSWP v MC* [2019] UKUT 84 (AAC) and *IG v SSWP* [2016] UKUT 176 (AAC) concerned the EU harmonisation regime for social security benefits.

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Qualifications

Academic

Alistair graduated from Magdalene College, Cambridge, with a Double First in 2009. He obtained a distinction on the Bachelor of Civil Law at Oxford in 2010. He was awarded Outstanding on the Bar Professional Training Course from Northumbria University in 2011.

Scholarships and Awards

- Eldon Scholar, Oxford University 2011 (previously awarded to, amongst others, Lords Denning, Wilberforce and Bingham)
- Trinity Chambers Prize for Best Overall Performance (on BPTC, jointly awarded with another)
- Bedingfield Scholarship, Gray's Inn 2010
- ECS Wade Prize for Administrative Law, Cambridge 2008

Other Experience

Alistair provides small-group teaching in administrative law and is an external College Lecturer in Law at Magdalene College, Cambridge. He has published widely, including in the Cambridge Law Journal, *Judicial Review*, the Lloyd's Maritime and Commercial Law Quarterly, and the Journal of Professional Negligence.

His advocacy is effective and his analysis strong

Cases

11 Nov 2020	R (Hawkhurst Parish Council) v Tunbridge Wells BC [2020] EWHC 3019 (Admin)
31 Jul 2020	Libra Textiles Ltd (t/a Boundary Mill Stores) v Roberts (Valuation Officer); Centric Assets Ltd v Alford (Valuation Officer) [2020] RA 389
06 Mar 2020	R (Judson) v Amber Valley BC [2020] EWHC 517 (QB)
10 Feb 2020	Roberts (Valuation Officer) v Backhouse Jones Ltd [2020] RA 209
16 Dec 2019	City and Country Bramshill Ltd v SSHCLG [2019] EWHC 3437 (Admin)
28 Jan 2019	R (Shirley) v SSHCLG, Canterbury CC and Corinthian Mountfield Ltd [2019] EWCA Civ 22
14 Aug 2018	Historic England challenge to Planning Permission Rejected
02 Feb 2018	R (Taste of India Ltd) v Secretary of State for the Home Department [2018]
06 Apr 2017	Dunnett Investments Ltd v SSCLG: the Interpretation of Conditions and Restriction on GPDO Rights
11 May 2016	Iran Country Guidance Heard
01 Apr 2016	Upper Tribunal Considers Consistency of s.65(7) Social Security Contributions and Benefits Act 1992 with European Union Law
01 Mar 2016	Affordable Housing Contributions: West Berks in the Court of Appeal
03 Feb 2016	R (Smech Properties Ltd) v Runnymede BC (Court of Appeal) [2016] EWCA Civ 42
03 Dec 2015	Jones v Mordue (Court of Appeal) [2015] EWCA Civ 1243; [2016] 1 P&CR 12; [2016] JPL 476
31 Jul 2015	Government Affordable Housing Policy and Vacant Building Credit policy quashed
05 Jun 2015	High Court finds delays to Personal Independence Payments unlawful
15 Dec 2014	Court of Appeal hands down judgment in Exceptional Case Funding challenge
24 Oct 2014	Redhill Aerodrome Ltd v Secretary of State for Communities and Local Government [2014] EWCA Civ 1386; [2015] PTSR 274; [2015] 1 P&CR 3; [2015] JPL 416
28 May 2014	Ogunseye v Newham LBC [2014] UKUT 232 (LC); [2015] RVR 58

Inquiries

20 Nov 2020	Inquiry - residential development at Silchester Road
06 Feb 2020	Examination in public - County Durham Plan
15 Oct 2019	Inquiry into proposed development at Hampton Lovett
20 Sep 2019	Inquiry into status of footpath AX16/31
13 Feb 2019	Examination in public - Epping Forest District Local Plan

13 Nov 2018	Hearing – Enforcement at Great Russell Street, London
13 Mar 2018	Proposed restrictions on Southern Water’s abstraction licences at the Rivers Test and Itchen
20 Jul 2017	Inquiry opens into proposed development at Springbok Estate, Alfold Crossways
01 Dec 2016	Planning Permission Granted by Secretary of State at intu Milton Keynes
13 Apr 2016	Residential Development at Land off Denman Lane, Huncote, Blaby, Leicestershire
25 Jan 2016	Residential Development at Land North of Field Head Lane, Laceby, North East Lincolnshire
19 Jan 2016	The Cheshire East Council (Crewe Footpath Nos. 3 (Part) and 11 (also known as Footpath No. 36)) Cycle Tracks Order 2014
04 Aug 2015	Hearing – Enforcement Appeal, Redmead Road
02 Jul 2015	Hearing – Isolated Dwelling in Countryside for Agricultural Worker
24 Nov 2014	Issue-specific hearing – Navitus Bay Windfarm: Consent Refused for Offshore Windfarm
09 Oct 2013	Hearing – Listed Building Consent – Grade II listed building at Baydon Manor

Publications

22 Mar 2021	The Interpretation of Planning Policy
22 Mar 2021	Planning Law Update for Local Authorities: Planning challenges – webinar
23 Nov 2020	Round-up of non-housing NPPF cases
23 Nov 2020	Planning High Court Challenges Annual Conference, Part 2 – webinar
01 May 2020	Interpreting The NPPF – Tips And Tricks From The Cases
01 May 2020	NPPF Case Law Update – Webinar
07 Oct 2019	NPPF Case Law Update
25 Mar 2019	Environmental Civil Sanctions Issues And Case Law Update
20 Nov 2018	The NPPF: Recent Changes and Case Law, Including Housing Land Supply
19 Nov 2018	The NPPF: Recent Changes and Case Law
06 Nov 2018	National Policy: Status and interpretation
03 Oct 2018	Medical Claims After Paposhvili
10 Sep 2018	The New NPPF: General overview
25 Jun 2018	Habitats and Air Quality
14 May 2018	Water abstraction

19 Apr 2018	Revised NPPF: Overview, the new wording of the presumption, transitional provisions and interpretation
04 Dec 2017	Viability Assessments
22 Feb 2016	Reconfiguration of NHS Services Patient Engagement Duties The Role of Local Authorities
22 Feb 2016	Reconfiguration of NHS Services, Patient Engagement Duties on CCGs and NHS Trusts and the Role of Local Authorities
14 Jan 2016	The Pre Action Protocol Process and Timing of Claims
21 May 2015	Consultation
10 May 2015	Care Act 2014: Direct Payments
11 Jun 2014	NHS Consultation Duties
11 Jun 2014	Legislation on NHS Consultation and Patient Involvement