



## Neil Cameron QC

Call: 1982    Silk: 2009

Email: [neilcameron@landmarkchambers.co.uk](mailto:neilcameron@landmarkchambers.co.uk)

### Practice Manager

#### Bill King

Email: [bking@landmarkchambers.co.uk](mailto:bking@landmarkchambers.co.uk)

Phone: **0207 421 1350**

#### Michael Gooch

Email: [mgooch@landmarkchambers.co.uk](mailto:mgooch@landmarkchambers.co.uk)

Phone: **0207 421 1305**

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## Expertise

Planning, Environment, Arbitration

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## Overview

Neil has extensive experience in planning, compulsory purchase, parliamentary and environmental work. He was joint head of Landmark Chambers from 2015-2018.

Major planning inquiries include the Cribbs Causeway (retail), King's Lynn incinerator proposal (energy from waste), the Smithfield General Market redevelopment (heritage), Leeds NGT (Transport and Works Act), and Burgess Business Park (residential and commercial mixed use).

He has extensive experience in residential schemes at section 78 appeals and at local plan examinations. He has acted for a retirement housing developer over many years.

He acted in Parliament on petitions in relation to Crossrail and HS2. He promoted the Middle Level Act 2018 in the House of

Commons and House of Lords opposed bill committees.

**Recent court appearances include:**

Supreme Court:

**R (Wright) v. Forest of Dean and Resilient Severndale** [2019] UKSC 53 (whether payments to a community benefit fund are a material consideration)

**Dover District Council v. CPRE** [2017] UKSC 79 (the duty on local planning authorities to give reasons).

**Morge v. Hampshire County Council** [2011] UKSC 2 (consideration of the Habitats Directive -2011),

Court of Appeal:

**Peel v. Hyndburn** (interpretation of retail planning permissions), **Loader v. Rother District Council** (interpretation of paragraph 74 in the NPPF, and consultation requirements).

High Court:

**LB of Islington v. Secretary of State** (challenge to Class J permitted development rights), **Westminster and English Heritage v. Secretary of State** (challenge to a decision not to call in an application), **Orbital Shopping Park v. Swindon Borough Council** (whether additional retail floorspace is liable to CIL).

Neil has been a Recorder (Crime and Civil) since 2002. He sits as a Deputy High Court Judge (Queen's Bench Division, Administrative Court, and Planning Court) (since 2013).

He is a member of the Chartered Institute of Arbitrators (MCIArb).

He is a Bencher of Gray's Inn.

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## Planning Inquiries and Examinations

Neil has wide experience of section 78 and enforcement notice appeals, and local plan examinations.

He has particular knowledge and experience of major city and town centre developments and heritage issues, and appeared at the 2014 Smithfield General Market inquiry, the 2015 Swiss Cottage tall building inquiry, the 2015 Farringdon East over site development inquiry, and Burgess Business Park 2019.

His housing cases range from local plan examinations (e.g. acting for the Mid Sussex Developer Forum 2016-2017, and for a groups of developers at the Guildford local plan examination 2018 and Tandridge local plan examination 2019) city centre and town centre mixed use schemes to, greenfield sites, and sheltered housing (for Churchill Retirement Living). He has up to date experience of housing land supply issues in different regions.

He has particular knowledge and experience in dealing with viability issues (e.g. the Cribbs Causeway retail inquiry (2017) and the Roden Street Ilford inquiry (2017)).

Retail cases range from discount foodstores (for ALDI) to regional shopping malls (the Cribbs Causeway inquiry 2017).

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## Heritage issues

Neil has been involved in many cases involving development proposals which affect heritage assets and their settings, ranging from proposals in the setting of World Heritage Sites to development in conservation areas. He acted for English Heritage and Westminster City Council in their application for judicial review of the failure by the Secretary of State to call in the Elizabeth House scheme which would affect the Westminster WHS, and has advised on many tall buildings in and around the City of London, both for the City Corporation and for developers.

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## Compulsory Purchase

Neil has promoted a number of town centre, housing and other compulsory purchases orders including the English Partnerships Liverpool Pathfinder CPO, the Arsenal Football Club CPO, housing CPOs in Stockton, town centre CPOs including Blyth, and the

2015 Sugar House Lane CPO (a 9.6 ha site in East London). He also appears in the Lands Chamber on compensation cases; in March 2020 he is due to appear on a certificate of alternative development appeal and compensation claim related to an HS2 acquisition.

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## **Energy**

Neil advised Intergen on section 36 Electricity Act applications and applications to vary section 36 consents to construct and operate 900 MW power stations, and related applications at Spalding and at Coryton including gas and electricity connections and (300 MW) battery storage.

He advised on the Keadby section 36C Electricity Act application.

He has advised on offshore wind projects with Habitats Directive implications.

He has advised on depleted field gas storage and salt cavity gas storage. He appeared at the Holford gas storage planning inquiry.

He has advised on storage of nuclear fuel, on biomass generating stations, and on carbon capture and storage.

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## **Other planning and environmental issues**

Neil has experience of advising on a wide range of issues including the steps necessary to engage section 237 of the Town and Country Planning Act 1990 (now section 203 Housing and Planning Act 2016) so as to authorise breaches of covenants and interference with rights to light.

He has particular experience in Habitats and EIA cases. He represented Hampshire County Council the successful party in the Morge litigation in the High Court, Court of Appeal, and Supreme Court. He has also dealt with habitats issues (appropriate assessment) at planning inquiries for residential, business uses, and energy from waste.

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## **Parliamentary**

Neil has experience of promoting and opposing private and hybrid Bills. He appeared for a number of petitioners on the Crossrail Bill, including five local authorities.

He acted for Staffordshire County Council, the LB of Camden, Euston Estate, Cemex and a number of other petitioners on the HS2 Bill.

He acted for the promoter of the Middle Level Bill Act 2018 in opposed bill committees in the House of Commons and in the House of Lords.

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## **Infrastructure**

Neil acted for the promoters of the Leeds NGT trolley vehicle system at the Transport and Works Act order inquiry in 2014, for the Wolverhampton tram extension in 2015, the Birmingham Eastside tram extension in 2017, and the Wednesbury to Brierley Hill tram extension 2019.

He is advising the applicant on a highway DCO, and objectors to other DCOs.

He promoted a scheme for a marshalling yard and wharf side facilities for Red Funnel in the Isle of Wight (2017 inquiry).

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## **Qualifications**

Neil is a graduate of Durham University.

Neil is a member of PEBA, UKELA and the Parliamentary Bar Mess (Committee Member)

He was appointed a Recorder in 2002, and a Deputy High Court Judge (Queen’s Bench Division, Administrative Court) in 2013.

He is a member of the Chartered Institute of Arbitrators (MCIArb)

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## Recommendations

Neil is recognised in the leading UK legal directories, including Chambers & Partners Directory and the Legal 500.

“Barristers, solicitors and clients were all enthusiastic about Neil Cameron QC and his work, calling him “very personable, measured, forceful and excellent.” In addition to planning he also has significant environment, CPO, parliamentary and major public inquiry experience. He is another at the set who “provides clear, practical advice.” (Chambers and Partners 2013)

“Regularly instructed on a wide range of planning matters, he adroitly handles significant inquiries and court cases. He remains a popular choice amongst commentators due to his commercial approach and excellent advocacy. Expertise: “He provides very systematic analysis and gives very practical advice.” “His written advice is among the most precise that you can get and he always makes himself available.” (Chambers and Partners 2014)

“He is bright, well prepared and good on detail.” (Chambers and Partners 2015)

“He gives very clear, detailed advice and his manner as an advocate is excellent for a freight inquiry.” (Chambers and Partners 2016)

‘Highly knowledgeable and forensic in his analysis.’ (Legal 500 2015)

“Comes highly recommended for his forensic and forthright style. ....

Strengths: “He’s very measured, authoritative, calm and likeable. He can understand the private and public perspective as well, and he’s also got a very strong specialism in technical areas such as compulsory purchase and appropriation schemes.” “He is a very strong black-letter lawyer who has excellent range.” (Chambers and Partners 2017)

“A leading figure for judicial reviews” (Legal 500 2017)

“Always extremely forensic and clear in his analysis and effective in his problem solving, drafting suggestions and general advice.” “A formidable person to be against.” (Chambers and Partners 2020)

“Excellent at inquiry, his cross-examination is highly effective.” (Legal 500 2020)

## Impressively forensic in his analysis of issues and extremely efficient

Chambers & Partners

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## Cases

22 Jul 2019	R (Wright) v. Forest of Dean and Resilient Energy [2019] UKSC 53
05 Feb 2019	Visao Ltd v Secretary of State [2019] 276 (Admin)
03 May 2018	Supreme Court grants permission to Resilient Energy to appeal on the question of whether a community benefit fund can be a material planning consideration
06 Dec 2017	Dover DC & China Gateway International Ltd v CPRE Kent [2017] UKSC 79
16 Oct 2017	CPRE v Dover District Council [2016] EWCA Civ 936

06 Dec 2016	Boot v Elmbridge Borough Council
28 Jul 2016	2016 Loader v Rother District Council – Court of Appeal
03 Mar 2016	R (Orbital Shopping Park Swindon Ltd) v Swindon Borough Council [2016] EWHC 448 (Admin), Patterson J
16 Dec 2015	CPRE v Dover District Council and China Gateway International [2015] EWHC 3808 (Admin)
20 Dec 2013	Class J permitted development rights challenge
19 Dec 2013	R (on the application of Peel Land and Property Investment Plc) v Hyndburn BC [2013] EWCA Civ 1680
10 Jun 2010	R (Morge) v Hampshire County Council [2010] EWCA Civ 608
24 Mar 2009	High Court dismisses challenge to Edge Lane West, Liverpool Compulsory Purchase Order
04 Jul 2008	ABP v Hampshire County Council
27 Sep 2006	Pascoe v Secretary of State [2006] EWHC 2356 (Admin)

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## Inquiries

21 Jan 2020	Wokingham inquiry
08 Oct 2019	Tandridge Local Plan examination
21 Aug 2019	Burgess Business Park inquiry
02 Jul 2019	Tileyard inquiry
19 Mar 2019	Wednesbury to Brierley Hill tram extension Transport and Works Act inquiry
08 Jan 2019	Pale Lane planning inquiry
11 Dec 2018	Old Norwich Road, Ipswich planning inquiry
13 Nov 2018	Aldi Gillingham planning inquiry
11 Sep 2018	225 Marsh Wall planning inquiry
26 Jun 2018	Middle Level Bill – House of Lords opposed bill committee
05 May 2018	Guildford Local Plan Examination
17 Oct 2017	Roden Street Ilford planning appeal
05 Sep 2017	Cribbs Causeway planning appeal
18 Jul 2017	Red Funnel East Cowes planning appeal
28 Oct 2016	Mid Sussex Local Plan examination
07 Dec 2015	Farringdon East Oversight Development
07 Oct 2015	Sugar Quay, Lower Thames Street, London

14 Jul 2015	100, Avenue Road, Swiss Cottage
09 Jun 2015	Wolverhampton Tram Extension
06 May 2015	Waterside Park
08 Oct 2014	Leeds New Generation Transport (NGT)
11 Feb 2014	Smithfield General Market and Annex Inquiry
26 Feb 2013	King's Lynn Incinerator Inquiry (February to April 2013)
01 Jan 2010	Thameside Terminal inquiry
01 Nov 2009	Ram Brewery Inquiry
01 Mar 2009	Aston Down Airfield Inquiry
01 Feb 2009	RAF Staff College Inquiry
13 Nov 2008	Smithfield General and Annex Market, London EC1
06 Nov 2007	Smithfields Inquiry
01 Oct 2001	The Heron Tower inquiry

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## Publications

21 Jul 2020	Delivering Major Infrastructure: Part 1 - Land acquisition - setting the strategy - Webinar
04 Jun 2020	Development Plan Issues - Webinar
20 May 2020	Local Plans and Section 78 Appeals
20 May 2020	Viability in Planning: Coping with COVID-19 - Webinar
04 Nov 2019	Material Considerations Following Wright In The Supreme Court
10 Sep 2018	The Revised NPPF: Viability
04 May 2018	Revised NPPF: Housing delivery and the housing delivery test
19 Mar 2018	Hybrid Bills: Petitioning Tactics
05 Mar 2018	Plan Making: The purpose of the examination
10 Jan 2018	Dover v CPRE: The developer perspective
25 Oct 2017	Rights of Light and Section 203 of the Housing and Planning Act 2016
26 Jun 2017	Hybrid Bills: Petitioning tactics
01 Apr 2014	The HS2 Hybrid Bill: Preparing evidence and presenting the case
22 Oct 2013	Habitats - After Morge: What is the planning system's role?

09 Oct 2013	Recent changes to the General Permitted Development Order
02 Oct 2013	Planning Reforms
22 May 2012	The Public Interest and Private Rights
01 Mar 2012	Development Plans
17 Jan 2012	The Localism Act - Development Plans
28 Nov 2011	High Court Planning Challenges - EIA, SEA & Habitats round-up
27 Oct 2011	Housing Development Update - Housing Land Supply
03 Sep 2011	EIA & Habitats
14 Jun 2011	2011 - Section 237 of the T&CPA 1990
25 Mar 2011	Compulsory Purchase Orders - Development Consent Orders & Compulsory Purchase
24 Mar 2011	HS2 - EIA and Consultation
09 Dec 2010	Planning Law Lunch Workshops - EIA and Habitats
14 May 2010	Climate Change and the Law - Planning and Climate Change
20 Apr 2009	London Specific Planning Issues - The Legal Framework - The New London Plan