



David Elvin QC

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Expertise

Planning, Property Public, Environment, Public Procurement, International, European Union Law, Arbitration, Mediation

Overview

David Elvin QC was called to the Bar in 1983 and took silk in 2000 and is called to the Bar of Northern Ireland. He is a bencher and member of the Middle Temple and a member of the Inn of Court of Northern Ireland. He was awarded the Bar Prize for Finance, Commerce & Industry in 1982. He was named as the Silk of the Year 2008 in Environment and Planning at the Chambers & Partners Bar Awards and has been nominated on several other occasions.

He specialises in planning, environmental and public law (including most aspects of local government, highways, compulsory purchase & compensation) as well as property related matters and the human rights and European Union law aspects of those

areas of practice.

David appears frequently in court and at inquiries at all levels and before many different tribunals. During his time as Treasury counsel, he appeared in many planning and public law cases and acted for a wide range of government departments and bodies. Since taking silk he has appeared in the High Court, Court of Appeal, Supreme Court, European Court of Human Rights and European Court of Justice. He has also appeared on judicial reviews in the High Court and Court of Appeal in Northern Ireland and is acting in the Court of Appeal in Hong Kong.

He is regularly listed as a leading specialist in a number of fields in the main directories including the *Legal 500* and *Chambers & Partners* (where he is named as a leader in 6 practice areas and in 2016 as a star individual in Planning).

Recent work has including a wide variety of significant planning, environmental and compulsory purchase cases. Recent CPO work has included town centre regeneration schemes most recently promoting the Croydon Whitgift Centre CPO (confirmed in September 2015) and the Mayor of London's first CPO at Ealing Southall (to facilitate a large housing development). His work in that context includes issues concerning best value, EU state aid and procurement: see *R. (Gottlieb) v Winchester City Council* [2015] EWHC 231 (Admin).

Earlier regeneration work has included promoting the Liverpool One Scheme and the Winchester Silver Hill CPO Scheme 2012 as well as successfully opposing Manchester's CPO of the former London Road Fire Station. Major infrastructure work has included promoting the Crossrail Bill in Parliament for DfT as well as opposing the HS2 scheme (both in the Courts and in Select Committee), acting and advising on DCO matters (including Covanta's Brig y Cwm scheme, Hinckley Point C, the Thames Tideway Tunnel, the M4), advising on the Mayor's proposed Thames Estuary Airport, Gatwick and at the recent George Best Belfast City Airport inquiry into noise restrictions. He is also experienced in waste issues having acted in a number of waste and energy from waste projects including the successful defence of the Calvert EfW plant for Bucks County Council in 2013 (*Prideaux* [2013] Env. L.R. 32) and of the South London facility at Beddington (*R. (Khan) v Sutton LBC* [2014] EWHC 3663 (Admin)). In addition to CPO and regeneration work, David also undertakes compensation work including in respect of electricity wayleaves: see *Arnold White Estates Ltd v National Grid Electricity Transmission Plc* [2014] Ch. 385 and *Stynes v. Western Power* [2014] R.V.R. 15. He is due to appear in the Court of Appeal in Hong Kong in *CLP Power Hong Kong Ltd. v. Commissioner of Rating and Valuation* in January 2016.

David has also continued to advise and act frequently on other environmental issues including EIA, SEA and habitats in England, Wales and Northern Ireland: For example, in 2013 he acted for the NI DOE in relation to proposals near the Giant's Causeway (JR by the National Trust) and for the NI Department of Regional Development in the *Alternative A5 Action Alliance's Application for Judicial Review* [2013] NIQB 30 and, most recently, in successfully defending DOE's decision on habitats and EIA grounds in *Newry Chamber of Commerce and Trade's Application for Judicial Review* [2015] NIQB 65. He is currently advising on the enforcement action and judicial review concerning habitats issues arising from sand dredging at Lough Neagh. He continues to act for the horse racing industry in opposing housing development in Newmarket (most recent inquiry in 2015) following the quashing of the local housing policies in *Save Historic Newmarket* [2011] J.P.L. 1233. In the Court of Appeal David has recently appeared in *Ashdown Forest Economic Development LLP* [2015] EWCA Civ 681 where he obtained the quashing of part of the authority's core strategy for breach of SEA requirements and in *R. (Larkfleet Homes Ltd) v Rutland CC* [2015] EWCA Civ 597 where the Court considered the relationship of neighbourhood plans to the general development plan statutory framework and SEA. In *Savage v. Mansfield DC* [2015] EWCA Civ 4 David successfully defended on appeal the dismissal of a judicial review relating the effect of a draft proposal to extend the Sherwood Forest SPA. He is also advising on the interaction of CIL, habitats issues and biodiversity offsetting.

David's current work also includes acting for the City of London Corporation and LB of Southwark with regard to their disputes with TfL over the transfer of London highways at arbitration and at an appeal hearing in the Chancery Division (October 2015), for the City of London concerning the proposals to undertake safety works to the ponds on Hampstead Heath (*R. (Heath & Hampstead Society) v City of London* [2015] P.T.S.R. 987) and for TfL on Crichel Down issues.

David is also Chairman of the St Paul's Covent Garden Millennium Trust.

Qualifications

David Elvin received a B.A. (First Class) in Jurisprudence (1981) and a BCL (1982) from Hertford College, Oxford. From 1991 to 2000, David was one of the Treasury counsel having served as a member of what is now the "A" Panel of Treasury Counsel from 1995 until taking silk in 2000.

Appointed a recorder in 2001, in May 2008 he was appointed a Deputy High Court Judge in the Queen's Bench Division including the Administrative Court. December 2008 saw David appointed as a member of the Boundary Commission for England with effect from 12 January 2009. In 2000 he was appointed as an Assistant Boundary Commissioner in 2000 and had conducted an inquiry into, and reported on, the East London Parliamentary constituencies in 2001-2. He also sits as an arbitrator and is a

qualified ADR Group Accredited Mediator.

Recommendations

Recent comments from *Chambers & Partners* and *Legal 500* include:

"He is first-rate when it comes to inquiry work and High Court and Court of Appeal litigation. He is a very good advocate who is very articulate and has a very incisive mind. He can cut through legislation and provide a sensible answer." [2016]

"A true environmental law specialist, who has a varied, top end practice in this area. He is trusted by large corporate clients and the government to lead on high stakes judicial reviews and litigation. Waste cases prove a particular specialism for him... "He is a giant of the Environmental Bar." "He's good to use when you have a heavyweight issue and need to get something resolved quickly." [2016]

"Has a nice court style and produces clear submissions with humour mixed in. The court listens to him and he can turn a case around." [2016]

"He's incredibly bright and there's no one better than him in understanding complex points". "He's incredibly clever and incredibly hard-working. We call him two brains because he can do two things at once." [2016]

"Said to "ooze brain power," David Elvin QC is feared by his opponents in any contentious planning matter. A real client favourite, he is "great in front of judges" and a man who gets results. Also a member of the Northern Ireland Bar and someone with experience of the European courts, he is a well-travelled barrister whose excellent reputation is well known far and wide." [2012]

"...widely acclaimed by market sources is leading light David Elvin QC, "someone to go to if you want the very best advice." A "veritable force of nature," he brings great skill and drive to a practice heavy on planning and environmental law cases." [2012]

"David Elvin QC is widely regarded as a true asset to the set. "He's compelling, persuasive and brilliant at strategy - I always come away feeling that I've learnt something very useful," declares one client. His expertise in environmental and public law serves him extremely well here." [2010]

"The focused and fearsomely intelligent David Elvin QC, a figure tremendously respected by the market." [2009]

"The phenomenally hard-working David Elvin QC has an excellent head on his shoulders. One client reported: Whenever we need a heavyweight opinion we go to him - he's just supreme." [2008]

"Elvin's colourful, enormous character, formidable intellect and combative style combine to make him one of the finest parliamentary and planning lawyers of his generation someone you definitely want on your side. He has risen to the very top in other chosen areas such as environmental, local government and contentious property law. Solicitors revealed that they instruct Elvin for his killer instinct, wonderful courtroom manner and ability to understand and evaluate complex and technical information the winning formula for success in these highly specialised areas of practice..." [2007]

A 'tour de force' of the Planning Bar

Chambers & Partners

Cases

04 Aug 2017	Southwark LBC v Transport for London [2018] P.T.S.R. 333
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23 Jun 2017	Minerva (Wandsworth) Ltd v Greenland Ram (London) Ltd [2017] EWHC 1457 (Ch)
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26 Aug 2016	R (Faraday Development Ltd) v West Berkshire Council & Anor [2016] EWHC 2166 (Admin)
01 Dec 2015	London Borough of Southwark v Transport for London [2015] EWHC 3448 (Ch)
10 Jul 2015	Newry Chamber of Commerce's application for judicial review [2015] NIQB 65
09 Jul 2015	Ashdown Forest Economic Development LLP v Wealden District Council [2016] Env. L.R. 2
17 Jun 2015	R (Larkfleet Homes Ltd) v Rutland County Council [2015] P.T.S.R. 1369
18 Feb 2015	London Borough of Southwark & City of London Corporation v Transport for London [2015] EWHC 383 (Ch)
09 Dec 2014	R (HS2 Action Alliance Ltd & London Borough of Hillingdon) v Secretary of State for Transport [2015] J.P.L. 555
07 Nov 2014	R (o.a.o. Khan) v London Borough of Sutton [2014] EWHC 3663 (Admin)
06 Aug 2014	R (on the application of HS2 Action Alliance Ltd) v Secretary of State for Transport [2014] P.T.S.R. 1334
27 May 2014	R (Police and Crime Commissioner for Leicestershire) v Blaby District Council [2014] EWHC 1719 (Admin)
31 Mar 2014	Islington LBC v Secretary of State for Communities and Local Government [2014] EWCA Civ 378
10 Mar 2014	R (on the application of Fox Strategic Land and Property Ltd) v Chorley BC [2014] EWHC 1179 (Admin)
03 Mar 2014	Arnold White Estates Ltd v National Grid Electricity Transmissions Plc [2014] EWCA Civ 216
22 Jan 2014	R (HS2 Action Alliance Limited & others) (Appellant) v The Secretary of State for Transport and another [2014] 1 W.L.R. 324
10 Oct 2013	Earl's Court SPD challenge rejected
24 Jul 2013	HS2 Action Alliance Ltd & others v Secretary of State for Transport [2014] 1 C.M.L.R. 10
15 Mar 2013	R (Buckinghamshire CC, HS2 Action Alliance Ltd and Heathrow Hub Ltd) v Secretary of State for Transport [2013] EWHC 481 (Admin)
03 Apr 2012	Judicial reviews brought against HS2 by local authorities and HS2AA
16 Mar 2012	R (Midlands Co-Operative Society Ltd) v Birmingham City Council & Tesco Stores Ltd. [2012] Eu L.R. 640
02 Feb 2012	High Court orders judicial review of bid to ban heather burning
01 Jan 2012	R (Wetherell) v Westminster City Council
29 Nov 2011	Avonmouth Energy from Waste
25 Mar 2011	Save Historic Newmarket Ltd v. Forest Heath District Council [2011] J.P.L. 1233
28 Apr 2009	Quinto v Santiago Castillo Limited [2009] UKPC 15
22 Jan 2009	Court of Appeal Upholds Basildon Council's Decision to Enforce Against Largest Gypsy Site in the UK
25 Jun 2008	High Court rejects judicial review of Fullabrook Windfarm
16 Apr 2008	House of Lords dismisses appeal in R (Edwards) v. Environment Agency

19 Mar 2008	R (Heath & Hampstead Society) v. Camden LBC & Vlachos [2008] 3 All E.R. 80 (CA), [2007] 2 P. & C.R. 19 (High Ct)
06 Mar 2008	Court of Appeal refuses permission to challenge Darwen Academy CPO
24 Jan 2008	High Court dismisses challenge to Darwen Academy CPO [2008] EWHC 62 QB
01 Jan 2008	Crossrail Bill (Parliamentary Hybrid Bill proceedings) [from 2004 and continuing]
23 Nov 2007	R (Sainsburys & Dean) v Secretary of State & West End Green
07 Nov 2007	R (Residents Against Waste Site Ltd) v. Lancashire County Council [2008] Env. L.R. 27
08 Mar 2007	R (Pascoe) v. Liverpool City Council [2007] EWHC 1024 (Admin)
14 Feb 2007	Crowley (t/a Contraband Discount Stores) v. Liverpool PSDA Ltd [2007] R.V.R. 125
01 Feb 2007	Court of Appeal uphold the partial quashing of the New Forest National Park Designation
01 Jan 2007	Meyrick Estate Management v Secretary of State for Environment, Food and Rural Affairs [2007] (Court of Appeal)
01 Jan 2007	R (Barker) v Secretary of State & Bromley LBC (2006-7) (European Court and House of Lords) [2007] 1 A.C. 470
01 Jan 2007	R(Berwick Street Properties) v. Westminster City Council (High Court)(2007)
06 Dec 2006	Barker v. Bromley LBC (House of Lords)
04 May 2006	Important ECJ judgments on EIA and outline planning permission
23 Feb 2006	Commission v. UK Case C-199/04
31 Oct 2005	Gammell v South Cambridgeshire District Council [2005] EWCA Civ 1429, [2006] JPL 873
19 Apr 2005	R (Edwards) v. Environment Agency & Others
01 Jan 2005	South Cambridgeshire DC v Gammell [2005] EWCA Civ 1429
07 Jan 2004	R (Delena Wells) v. the Secretary of State for Transport, Local Government and the Regions Case C-201/02
01 Jan 2003	Dennis v. MOD
01 Jan 2003	Rowland v. Environment Agency
01 Jan 2002	Kingsalton Ltd. v. Thames Water Developments
01 Jan 2002	UK Renderers Association v Secretary of State
01 Jan 2002	R (Bedford & Clare) v. Islington LBC & Arsenal FC
01 Jan 2002	Henry Boot Homes Ltd v. Bassetlaw D.C.
01 Jan 2001	The Alconbury Litigation
06 Jul 2000	Berkeley v Secretary of State [2000] 3 W.L.R. 430
01 Jan 2000	R v. Durham CC ex parte Huddleston

01 Jan 2000	R v. Secretary of State for Defence ex p. Wilkins
01 Jan 2000	Steed v Home Office
01 Jan 2000	Eronpark v. Secretary of State
01 Jan 1999	R v. Home Secretary ex p. Fielding
01 Jan 1999	Alnwick B.C. v. Sec. of State
01 Jan 1998	R v. North Derbyshire HA ex p. Fisher
01 Jan 1998	Colley v. Secretary of State
01 Jan 1997	R v. Secretary of State ex p. Torridge D.C.
01 Jan 1996	R v. City of London Magistrates, ex p. Asif
01 Jan 1996	R v. Secretary of State ex p. Kirkstall Valley Campaign
01 Jan 1996	Childers v. Anker
01 Jan 1995	SCMLLA v. Gesso Properties

Inquiries

13 Sep 2019	Inquiry into Northern Ireland's largest proposed windfarm
14 Apr 2015	Hatchfield Farm, Newmarket
17 Jun 2014	Liverpool Welsh Streets Planning and CPO Inquiries
29 Jan 2014	Javelin Park Inquiry closes
10 Jan 2012	Walshaw Moor Estate Inquiry
29 Nov 2011	Wightlink Public Inquiry
01 Jun 2011	London Road Fire Station CPO Inquiry
09 Jul 2010	Inquiry into Energy from Waste plant at Ardley, Oxfordshire
28 May 2010	Preston Tithebarn Inquiry
02 Mar 2010	Inquiry into a major integrated waste facility in Essex
18 Sep 2009	Inquiry into state-of-the art in-vessel composting facility at Wisley Airfield
31 Jul 2008	Procurement advice
31 Jul 2008	Land valuation cases
22 Jul 2008	Dunlopillo Latex Foam Ltd, Pannal, Harrogate
01 Feb 2008	Crossrail Bill (Parliamentary Hybrid Bill proceedings) [from 2004 and continuing]

01 Jan 2008	Judicial reviews involving Basildon gypsy sites (ongoing)
04 Dec 2007	Oxford Westgate CPO
30 Nov 2007	Re: Mr Neil Cockburn, Pennoxstone Court, King's Cuple [Inquiry]
06 Nov 2007	Pennoxstone Court, Hereford
25 Oct 2007	Proposed new Mersey Crossing
27 Feb 2007	Property litigation for Liverpool City Council
01 Jan 2007	Footpaths
31 Aug 2006	Secretary of State confirms M4 J11 Orders
03 Aug 2006	Dudley Brierley Hill CPO modified to accommodate Corus objection
01 Jul 2006	Liverpool HMRI CPOs inquiry
27 Jun 2006	Court of Appeal dismisses appeal in Edwards v Environment Agency
25 Apr 2006	Supermarkets Inquiry (Competition Commission) [current]
01 Jan 2005	Extensive CPO regeneration work
10 Nov 2004	Work on climate change and habitats erosion (ongoing)
01 Jan 2004	Acting for Westfield and Derby CC in promoting city centre regeneration CPO at Eagle Centre, Derby
01 Jan 2004	Crossrail Bill (Parliamentary Hybrid Bill proceedings) [from 2004 and continuing]
01 Jan 2003	Liverpool PSDA CPO
01 Dec 2002	Dibden Bay Deep Sea Container Terminal (Nov 2001 - Dec 2002)
31 Dec 1999	Acting for Madonna and Guy Ritchie in opposing mapping of the Ashcombe Estate under CROW Act.

Publications

08 Sep 2020	The Environment Bill (2020) - biodiversity net gain
08 Sep 2020	Dealing with net zero, biodiversity and air quality issues in planning - Webinar
23 Jul 2020	CPO: compelling case, human rights and alternatives
23 Jul 2020	Delivering Major Infrastructure: Part 2 - Justifying the land acquisition strategy - Webinar
13 Jul 2020	Precedents for "zoning" in England and Wales
13 Jul 2020	Could zoning work in the UK? - Webinar
24 Jun 2020	What's happening? Environmental law in the UK from 31 December 2020 - Webinar
24 Jun 2020	The Environment Bill (2020)

17 Jun 2020	Windpower Development In Northern Ireland
17 Jun 2020	Repowering Onshore: Planning for Onshore Wind in England, Wales and Northern Ireland - Webinar
11 Jun 2020	Planning Hearings and Inquiries During COVID-19: Alternatives to Hearings in Person?
11 Jun 2020	Planning in Northern Ireland - Webinar
08 Jun 2020	Current Issues in Environmental Law Part 4: The Environment Bill, biodiversity net gain and nature conservation - Webinar
26 May 2020	Dill and "building"
26 May 2020	Listed Buildings: Current issues on the extent of the protection afforded by listing - Webinar
18 May 2020	Current Issues In Environmental Law Part 3 - Webinar
11 May 2020	Current Issues in Environmental Law Part 2: Public Participation, SEA and SSSIs - Webinar
04 May 2020	The Environment Bill (2020) - Environmental Principles And Transparency Of Environmental Protection
04 May 2020	Current Issues In Environmental Law Climate Change And The Environment Bill (Part 1) - Webinar
04 Nov 2019	Habitats Update
27 Jun 2019	Habitats
30 Mar 2019	Application of Public Contract Regulations to Development Agreements following R (Faraday Development Ltd) v West Berkshire Council [2018] EWCA Civ 2532
12 Feb 2019	Habitats issues following People Over Wind & Sweetman v Coillte Teoranta (C-323/17) (and other cases)
19 Nov 2018	Habitats issues following People Over Wind & Sweetman v Coillte Teoranta (C-323/17) (and other cases)
16 Nov 2018	Avoidance of the Public Contract Regulations and Recital 5 of Directive 2014/24/EU
10 Sep 2018	NPPF 2018: Green Belts and the Natural Environment
25 Jun 2018	Local Plan Making: Strategic Environmental Assessment
26 Feb 2018	Infrastructure Projects: Common issues for legal challenges
25 Sep 2017	The no scheme principle and s.6A of the LCA 1961 (Presentation)
25 Sep 2017	The no scheme principle and rules: S.6A of the Neighbourhood Planning Act 2017 (Paper)
08 Jul 2017	The use of compulsory purchase powers for regeneration
05 May 2017	Compulsory Purchase Update: Implications of the Neighbourhood Planning Act 2017
18 Oct 2016	Brexit - Environmental Implications: Context
21 Jul 2014	Strategic Environmental Assessment after HS2
07 Apr 2014	Current Issues in Environmental Assessment
18 Nov 2011	The new ethical framework and Code of Conduct for Local Authorities
12 Feb 2010	PPS4 and Impact Assessment

05 Jun 2009	PPS4 - Competition and Choice in Retail Planning
01 Jan 2009	Reform of the law of compulsory purchase: compulsory purchase for planning purposes, compensation and procedure
01 Jan 2009	Inclusivity and Integration: some recent legal developments
01 Jan 2009	Strategic Environmental Assessment
01 Jan 2009	Blundell Lecture on Property & Human Rights
01 Jan 2009	Planning Case Law Update
01 Jan 2009	Environmental Law and Planning Update
01 Jan 2009	Competition & Choice in retail planning after the Competition Commission
01 Jan 2009	The Application of the Public Contracts Directive to Development Agreements and Planning Obligations Following <i>Auroux v Roanne</i>
01 Jan 2009	Planning Case Law Update 2007
01 Jan 2009	The Planning Bill - Major infrastructure Projects
01 Jan 2009	The Environmental Assessment of Plans & Programmes