



Simon Pickles

Call: 1978

Email: spickles@landmarkchambers.co.uk Phone: +44 (0) 20 7430 1221

Practice Manager

Kevin Squires

Email: ksquires@landmarkchambers.co.uk

Phone: **0207 421 1351**

Jason Allen

Email: jallen@landmarkchambers.co.uk

Phone: **0207 421 1306**

Expertise

Planning, Environment

Overview

Simon Pickles practices principally in three areas – planning, compulsory purchase & compensation and environmental law. Aside from a strong emphasis on advisory work, he routinely appears at inquiries, hearings and in the High Court and Lands Chamber. For more detail of recent work in each of these practice areas, follow the links on the right.

Planning

Simon has a great deal of experience of planning law and practice. He has advised and appeared at inquiries, hearings and examinations for developers and landowners, local authorities and individuals in relation to a wide range of developments.

Compulsory Purchase & Compensation

Simon advises frequently on compensation claims, appears in the Lands Chamber and has appeared at many CPO inquiries.

Environmental Law

Simon's environmental law experience includes IPPC/environmental permitting, emissions trading, the Habitats Directive and appropriate assessment and contaminated land.

Other

Simon advises on highways issues and has appeared at footpath diversion and definitive map modification inquiries. He also provides local authority councillor training.

Listen to my podcasts

General advisory

Frequent advice and opinions in respect of interpretation of planning policy (eg GB, housing land, sequential test), construction and implementation of planning permission (*Whitley* principle), environmental impact assessment, construction and enforcement of s.106 agreements, applications for Certificates of Lawfulness (or enforcement).

Subject-matter covered includes: residential development, retail permissions including warehouse permissions (range of goods), exploratory deep on-shore mining, A3/4 uses inc. hours of operation, hotel development, the development of an aerobic digestion plant, a museum, and use classes and permitted development rights including Class O (office to residential).

Inquiry work & hearings - Residential

Many appearances at inquiries into residential developments inc. mixed use development. Assisting in preparation for and attendance at hearings into residential development.

Schemes considered have ranged from conventional residential schemes to more complicated or controversial examples including a garden suburb affecting the Green Belt, loss of open space, Listed Buildings & Conservation Areas, specialist residential schemes for those approaching retirement or retired and affordable housing.

For some recent examples, see under Inquiries.

Enforcement

Advice and appearances concerning: enforcement notices (eg residential conversions including consideration of deception and waste-related development) and injunctions. Defence of prosecutions for breach of a stop notice in the Crown Court (a two weeks trial) and magistrates court.

Proper interpretation & enforcement in the High Court of s.106 obligations.

For recent examples of a planning injunction and s.106 claims re: financial contributions and connection to district heating scheme, see under Cases.

High Court/Judicial Review

Frequent advice on making and resisting JR claims. That advice has concerned challenges to planning permissions for regeneration proposals, a hotel (claim by a councillor), the substantial expansion of a settlement, flats, school development and extensions, play facilities, tennis facilities, a park & ride scheme, multi-storey car park, replacement abattoir, solar and windfarm development and development in the Green Belt.

Hearings have involved: the refusal of permission to challenge planning permission for a large-scale incinerator; rejection of a challenge to the decision to vary planning permission to enable further flights at London City Airport (*R (on the application of Griffin) v. Newham LB* [2011] EWHC 53 (Admin)); the proper construction of planning permission for retail development, including the range of goods to be sold (*R (Prudential Ass) v. Sunderland CC and Peel Investments* [2010] EWHC 1771 (Admin)) (junior counsel); the proper construction of planning permission including TCPA s. 75 (*Peel Land & Property Investments v.*

Hyndburn BC [2013] EWCA Civ 1680 (junior counsel); resistance to a rival's application to quash a superstore permission (*R (Sainsbury's Supermarkets Ltd) v. Hillingdon LB* [2015] EWHC 2571 (Admin) (junior counsel)); and upholding of solar farm permission (*Boden v. East Staffs BC* [2016] EWHC 1151 (Admin)).

For more recent cases securing refusal of permission for claim based on sequential test and dismissal of claim based on proper interpretation of neighbourhood plan policy, see under Cases.

Energy & Waste

Advice over several years to a team of officers at Surrey County Council on the grant and subsequent variation of planning permission for a Waste Management 'Eco Park' (now under construction) comprising: a Gasification Facility (60,000 tpa); Anaerobic Digestion Facility (40,000 tpa); Community Recycling Facility; etc. Issues included: classification of the gasification plant as 'disposal'; safety; Best Available Techniques; reference back to committee; and the application of section 73 of the Town & Country Planning Act 1990. Simon also represented the County Council at associated FP diversion inquiries. The original permission was not challenged and permission to challenge its variation was refused.

Advice on other anaerobic digestion and pyrolysis plant proposals and wind farm development. This work is against the backdrop of appearances at inquiries into major waste projects including: an energy-from-waste/incineration plant to accept waste from central London; and a major integrated facility including de-inking, anaerobic digestion, combined heat & power, and MBT technologies in Essex. Advice also on planning permission for windfarm development and exploratory deep on-shore mining (with a view to fracking or not).

Other related spheres of work

Advice on Assets of Community Value, local authority disposal of land including best value. Advice on operation of the planning regime in Gibraltar.

Advisory

Advice on compensation claims to claimants and acquiring authorities has included advice on claims for: business extinguishment or relocation and loss of development value resulting from, eg, the Thameslink, London Olympics, Crossrail and new Runcorn Mersey crossing CPOs. Advice also to Petitioners and others on the compensation provisions of the HS2 Bill and associated non-statutory schemes, and on compensation issues arising from the variation of licences under the Wildlife Resources Act 1991.

Lands Chamber

Appeared at substantive hearings concerning: the effect of section 9 of the Land Compensation Act 1961 on assessment, under rule (2) of section 5 of the 1961 Act, of the value of interests acquired (*G.P.E. (Hanover Square) Limited and others v. Transport for London* [ACQ/83/2011]) (as junior counsel); and the proper interpretation of the provisions for compensation on modification of planning permission (*Hanson Quarry Products Ltd v. Dorset CC* [2010] UKUT 364 (LC)). Appeared also at preliminary or case management hearings (eg re CAADs) following which claims have been resolved.

Earlier cases

Appeared for Claimants at preliminary hearing concerning entitlement as a matter of law to recover, under rule 6, compensation for the loss of rental income that would have resulted from redevelopment of land taken (*Pattle & Pattle v. Secretary of State for Transport* [ACQ 7 2007]). Proper construction of the limitation provisions relating to General Vesting Declarations (*The Estate of Reginald Hodson v. Rochford District Council* [ACQ 467 2007]).

Experience in this area of the law follows upon appearances as junior counsel in *Director of Buildings & Land v. Shun Fung* [1995] 2 AC 111 (recovery of pre-acquisition losses) and *Hughes v. Doncaster MBC* (1991) 1 AC 382 ('contrary to law' in rule (4)).

Environmental

Environmental impact assessment

Detailed appraisal of environmental statements relating to major residential development proposals.

IPPC/ Environmental permitting

Advice on permits relating to on-shore deep mining and waste-related developments, having earlier resisted judicial review challenges to permits granted in respect of energy-from-waste/incineration plants.

Habitats Directive and appropriate assessment

Advice in respect of miniplans designed to avoid a requirement for appropriate assessment of the prospect of impacts on the Thames Basin Heaths SPA (SANGS policy).

Contaminated land

Advice on the operation of the contaminated land regime.

Earlier work

Greenhouse gas emissions trading scheme - Appeared on first appeal against a refusal by the Environment Agency to allow an applicant to join the scheme (outcome reversed by amending regulations). Appeared also on first appeal against a revocation notice served under the GHG Emissions Trading Scheme Regulations 2005

FEPA 1985 - Advice on the defence of a prosecution (discontinued) for the alleged unauthorized deposit of contaminated material under the Food and Environment Protection Act 1985.

Qualifications

Simon graduated with an MA in Law from Cambridge University (Sidney Sussex College). He is an Assistant Parliamentary Boundary Commissioner and a member of PEBA and UKELA.

He is very able and has a good manner with lay clients

Legal 500

Cases

24 Jan 2020	Neighbourhood Plan policy concerning rural exception sites
23 Sep 2019	Sequential test challenge refused permission
14 Aug 2019	Planning injunction granted
02 Nov 2018	Expert appointment within s.106 agreement upheld
16 Mar 2017	Reference back and the Written Ministerial Statement dated 12 December 2016
27 May 2016	Discharge of s.66 Listed Buildings Act following Mordue

18 Aug 2015	Interim injunction to restrain breach of s.106 agreement, safeguarding connection to district heating system
17 Aug 2015	Enforcement of planning obligation
14 Jul 2015	Resisting rival store challenge
17 Mar 2014	Planning permission for Surrey Eco Park
19 Dec 2013	R (on the application of Peel Land and Property Investment Plc) v Hyndburn BC [2013] EWCA Civ 1680
22 Apr 2013	Crown Court trial for breach of Enforcement Notice
19 Jun 2012	Compensation under rule 2 & LCA 1961 s.9
08 Jun 2010	Challenge to environmental permit
31 Jul 2009	Pattle & Pattle v Secretary of State for Transport [2009] UKUT 141 (LC)
23 Sep 2008	Whitley Principle Applied
01 Sep 2008	CLEUD quashed by consent on Council's application
02 Aug 2008	Replacement Dwelling in the Green Belt
10 Jul 2008	Special Extinguishment Order
23 May 2008	Limitation of Lands Tribunal Claim
21 Dec 2007	Listed Building Consent Acquittals
30 Nov 2007	Environmental Information
01 Sep 2007	Conservation Area Extension Quashed
06 Aug 2007	Challenge to PPC Permit
10 May 2007	Examination in Public
01 Feb 2007	Riverside, Bexley (High Court)
24 Jan 2007	Green Belt Designation
12 Jun 2006	Enforcement Notice Convictions
26 Mar 2006	R (on the application of Mead) v Thurrock BC EWHC 2850 (Admin)
24 Mar 2006	Compulsory Purchase Compensation

Inquiries

19 Aug 2019	Continuing defence of Colchester
12 Oct 2018	Protection of employment land

30 Nov 2017	Permission refused to develop safeguarded land
08 Sep 2015	Southport retail call-in inquiry
13 Jan 2015	Birney Hill Garden City extension rejected
27 Nov 2014	Draft Neighbourhood Plan trumped by sustainability concerns
28 Jan 2014	Eco Park FP Diversion (& April 2013)
26 Nov 2013	Land r/o Amwell Street, Islington
01 Oct 2013	Large scale tourism development rejected in AONB
23 May 2011	Landmark Chambers at forefront of United Kingdom Greenhouse Gas Emissions Trading appeals
21 Sep 2010	Certificate of Appropriate Alternative Development
20 Sep 2010	Certificate of Appropriate Alternative Development
01 Aug 2010	Enforcement and planning contribution
10 Mar 2010	Inquiry into a major integrated waste facility in Essex
24 Feb 2010	Enforcement Notice withdrawal
21 Sep 2009	Inert waste recycling permitted in Green Belt
18 Sep 2009	Town centre mixed use scheme approved
17 Jun 2008	A2
03 Jun 2008	Lakeside Leisure Lodges
01 May 2008	Marks & Spencer, Portsmouth & Newbury
26 Mar 2008	Nightclub/restaurant use of former cinema
11 Mar 2008	Retail warehouse development
01 Mar 2008	Teesside Retail Park, Stockton
29 Jan 2008	Energy from Waste Plant, Newhaven, East Sussex
07 Jan 2008	Sustainable Social Housing Scheme
11 Sep 2007	Oxford Westgate CPO Objection
05 Jun 2007	Retail Trade Park Enforcement
01 Jun 2007	Hedge End Trade Park, Southampton
24 Apr 2007	Rail Freight Interchange
03 Apr 2007	Waste Enforcement
01 Apr 2007	Newton Park Farm, St Helens, Lancs
31 Mar 2007	M&S CPO Objections

01 Feb 2007	Riverside, Bexley (High Court)
12 Dec 2006	Greenhouse Gas Trading Scheme Appeal
25 May 2006	Olympics 2012 CPO Objection
13 Apr 2006	Associated British Foods, Standon
23 Feb 2006	North West Development Agency
17 Jan 2006	Residential Development at Cranfield
06 Sep 2005	Central London Energy from Waste Plant
02 Aug 2005	Residential development at Tongham
21 Jun 2005	Quarry Restoration Enforcement
16 Nov 2004	British Sugar Factory, Ipswich
19 May 2004	Wembley CPO Objection
23 Mar 2004	Definitive Map Modification - BOAT
19 Feb 2004	Definitive Map Modification - Footpath
01 Jul 2003	Central London Energy from Waste Plant

Publications

21 Aug 2020	Delivering Major Infrastructure: Part 5 - Land compensation - assessing the claim - questions and answers
03 Aug 2020	Part 1 claims
03 Aug 2020	Practical issues & Temporary possession
03 Aug 2020	Delivering Major Infrastructure: Part 5 - Land compensation - assessing the claim - Webinar
25 Sep 2017	Compulsory Temporary Possession of Land
17 Jan 2012	The Localism Act- Enforcement
27 Oct 2011	Housing Development Update- Overcoming Impediments
25 Mar 2011	Compulsory Purchase Orders- Land Compensation Claims- The Claimant's Perspective
14 Jan 2011	The Localism Bill- Enforcement
14 May 2010	Climate Change and the Law Climate- Change Issues for Local Authorities
01 Jan 2009	Planning Inquiries- Procedure & Preparation
01 Jan 2009	The Regulatory Enforcement and Actions Act- implications for Regulators and Those They Regulate

