



Scott Lyness QC

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Expertise

Planning, Environment

Overview

Scott Lyness specialises in all aspects of planning and environmental law. Scott took silk in 2020 being rated for many years as one of the leading junior members of the planning Bar.

He has been described by *Chambers & Partners* as having “a fantastic reputation for his wide-ranging planning practice, acting for developers, planning authorities and other parties at all levels”; he is “authoritative, diligent and sees the wood for the trees”; “hard-working, approachable and capable of considering risk at all angles”; “one of the best barristers I have had the pleasure of working with.” The *Legal 500* has stated that he “impresses with his powers of analysis and level-headedness”.

Scott’s planning practice encompasses all aspects of planning both at inquiries and examinations and in the Higher Courts. He

provides strategic and technical advice on the preparation of development proposals. He acts for a wide range of developers, planning authorities and interest groups at all stages of the planning process.

Further details of Scott's recommendations and work across these practice areas can be found within the Expertise and Recommendations links.

He was called to the Bar of England and Wales in November 1996 and to the Bar of Northern Ireland in 2005. He is a member of the Planning and Environment Bar Association and the UK Environmental Law Association.

Infrastructure

Scott's practice covers major infrastructure and energy-related proposals, including cases covered by the NSIP regime. His work has covered a range of developments including railways, nuclear power stations, gas storage facilities, onshore and offshore wind farms and solar arrays. He acted for:

- EDF in securing consent for Hinkley Point C;
- the RSPB in relation to the world's largest offshore windfarm (Hornsea Projects One and Two);
- the University of Manchester in relation to the Keuper Gas storage facility in Cheshire.

TWAO work has included acting for English Heritage and the University of Manchester in relation to proposals by Network Rail for new railways infrastructure as part of the "Northern Hub".

He acts for SONI in promoting proposals for an electricity interconnector between Northern Ireland and the Republic of Ireland.

Regeneration, Retail and CPO

His experience has included public inquiries into city centre regeneration schemes and mixed use proposals involving tall buildings. These cases have often involved issues relating to compulsory purchase, retail development, listed buildings and conservation areas, section 106 obligations and detailed technical issues relating to noise, air quality and transport.

He has advised in relation to some of the most significant development proposals in London in recent years, including:

- the redevelopment of Battersea Power Station
 - the redevelopment of Earls Court
 - acting in relation to tall buildings proposals for 20 Fenchurch Street and 20 Blackfriars Road
 - promoting the compulsory purchase order which led to Liverpool One, the £1 billion mixed use redevelopment of Liverpool city centre, along with the promotion of other significant retail-led regeneration schemes in Leeds, Nottingham and Derby
 - acting in other compulsory purchase cases include *R (on the application of Sainsbury's Stores Ltd) v Wolverhampton City Council* [2010] UKSC 20, the leading case on the materiality of considerations to the exercise of powers of compulsory acquisition.
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Residential

His substantial housing experience involves a variety of cases and includes promoting Sherford, a new 5,500-home community east of Plymouth city centre. Recent work has involved regular appearances acting for both housebuilders and local authorities at planning inquiries and advising on housing need and land supply issues, in relation to both proposals and the preparation of development plans:, including the following:

- Crewe road, Shavington, 200 dwellings
 - 144 Audlem road, Nantwich: 104 dwellings
 - Cheerbrook Road, Willaston, 120 dwellings
 - East Avenue, Weston, 99 dwellings
 - Crewe Road, Shavington, 68 dwellings
 - Hassall Road, Alsager, 60 dwellings
 - Main Road, Shavington, 44 dwellings
 - 51 Main Street, Goostrey: housing proposals in consultation zone of Jodrell Bank Observatory.
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Environment

He advises and acts frequently on environmental issues including EIA and habitats. Recent case work has included representing:

- Wealden District Council in cases involving the application of the Habitats Directive in cases involving traffic emissions, air quality and impacts on the ecology of the Ashdown Forest Special Area of Conservation (*Wealden DC v SSCLG* [2017] EWCA Civ 39; *Wealden District Council v SSCLG, Lewes DC and South Downs NPA* [2017] EWHC 351 (Admin). -
 - North Yorkshire County Council, the North York Moors National Park authority and York City Council at the examination into their joint minerals plan, including its policies relating to hydraulic fracturing
 - the RSPB regarding proposals for substantial residential-led development at the Grade I listed Jacobean Bramshill House, Hampshire, adjacent to the Thames Basin Heaths Special Protection Area
 - the Shaftesbury Estate on a judicial review concerning enforcement and habitats issues arising from sand dredging at Lough Neagh.
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Heritage

Scott also has extensive experience of heritage issues. Recent cases include acting for:

- the National Trust on a challenge to the proposed development of a golf course near the Giant's Causeway World Heritage Site
 - English Heritage in relation to proposals including the called-in application for a solar farm at Wroughton Airfield and the Northern Hub railway infrastructure in Manchester.
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Qualifications

Scott attended the Friends' School, Lisburn and graduated in law as a Marvell Prizewinner from Hull University in 1995.

Recommendations

Scott has been described by *Chambers & Partners* as follows:

- he is "authoritative, diligent and sees the woods for the trees"; "hard-working, approachable and capable of considering risk at all angles."
- "his ability to engage with highly technical information and understand the nuances of a client's position is unprecedented. He is a pragmatic practitioner who goes the extra mile to deliver the best possible outcome." "A top-notch junior, he's meticulous, interacts very well with clients and is at the top of his game."
- "a fantastic reputation for his wide-ranging planning practice, acting for developers, planning authorities and other parties at all levels"; "One of the best barristers I have had the pleasure of working with, including QCs." "Scott's ability to understand technical scientific evidence is to be commended, as is his ability to calmly ensure that all that is needed is covered";
- "a good way with clients and a down-to-earth manner. He is a very capable junior barrister who is a rising star;" "I love his pragmatic attitude. Nothing is too much trouble for him". He is "very thorough and has a really good grasp of the issues";
- "clients appreciate his approachable manner and depth of knowledge"; "a rising star at the Planning Bar who understands clients' needs thoroughly; he "is outstanding in terms of his command of detail and his commitment to the project. Of everyone I have seen at the Bar in the past year, I am most impressed by him".

The Legal 500 has stated that he:

- is "a highly recommended planning practitioner";
- "understands and interprets complex scientific information in an intelligible way";
- is "user-friendly and highly rated for complex planning cases";
- is "a strong advocate with good attention to detail"; "gets to grips with complex planning matters";
- is "one of the leading juniors at the Planning Bar and impresses with his powers of analysis and level-headedness";
- he "has an excellent instinct for what is important and what is not, yet he puts professional teams at ease and gets the best out of them".

Scott has consistently been included as a top-rated junior in the annual survey by Planning Magazine. Planning Magazine's review of planning lawyers in 2020 stated that "his easy style and great client bedside manner belies a strong cross-

examination technique and unfailing work ethic”.

Scott was nominated for Chambers & Partners’ Planning Junior of the Year in 2016.

A fantastic reputation for his wide-ranging planning practice

Chambers & Partners

Cases

01 Sep 2018	In the matter of an application by SEAT for Judicial Review
21 Feb 2018	In the matter of an application by RES UK & Ireland Ltd for Judicial Review [2018] NIQB 16
01 Jan 2018	Muller Strategic Properties Limited v Cheshire East Council CO/4066/2017F (2017)
01 Sep 2017	Mary Howe v East Northants and Roxhill Warth No. 2 Ltd CO/2914/2017 (2017)
01 Sep 2017	AB v Hammersmith & Fulham LBC and Fordstam CO/2264/2017 (2017)
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)
19 Feb 2016	Wealden District Council v Secretary of State for Communities and Local Government and Knight Developments Limited [2016] EWHC 247 (Admin)
10 Jul 2015	Newry Chamber of Commerce’s application for judicial review [2015] NIQB 65
13 Mar 2014	Application for Judicial Review by River Faughan Anglers [2014] NIQB 34
10 Oct 2013	Earl’s Court SPD challenge rejected
27 Feb 2013	Application for Judicial Review by the National Trust [2013] NIQB 50
01 Dec 2012	Application by Musgrave Retail Partners for leave to apply for judicial review (NI)
01 Nov 2012	Application by Corbo Ltd for leave to apply for judicial review (NI)
21 Jun 2011	Tesco Stores Ltd v Department of the Environment (Planning Service) [2011] NICA 23
12 May 2010	R (Sainsbury’s Supermarkets Ltd) v Wolverhampton City Council [2011] 1 A.C. 437

Inquiries

01 Feb 2020	Heythrop College, Kensington Square
01 Feb 2020	Redevelopment of the Citroen site, Brentford

01 Dec 2019	City of York Local Plan examination
01 Oct 2019	Tandridge Local Plan examination
13 Sep 2019	Inquiry into Northern Ireland's largest proposed windfarm
01 Sep 2019	Doraville Windfarm Inquiry, County Tyrone
01 Feb 2019	Thanet Offshore Windfarm Examination
01 Jun 2018	Examination of Joint Minerals Plan for North Yorkshire County Council, the North York Moors National Park Authority and York City Council
01 Feb 2018	Grade I listed Jacobean Bramshill House, Hampshire
01 Jan 2018	Main Street, Goostrey
02 Feb 2017	Main Road, Shavington, 44 dwellings
01 Feb 2017	Tyrone-Cavan Interconnector
01 Nov 2016	Crewe Road, Shavington, 68 dwellings
01 Oct 2016	Crewe Road, Shavington, 200 dwellings
01 Oct 2016	144 Audlem road, Nantwich: 104 dwellings
01 Sep 2016	Cheerbrook Road, Willaston, 120 dwellings
01 Aug 2016	East Avenue, Weston, 99 dwellings
01 Jul 2016	Hassall Road, Alsager, 60 dwellings
16 Mar 2016	Keuper Gas Storage Project
23 Feb 2016	Bargate Homes, Frensham Vale
09 Dec 2015	Land east of Hassall Road, Alsager
01 Oct 2015	Manchester Piccadilly and Oxford Road Capacity Scheme TWA Order
15 Sep 2015	Hornsea Offshore Windfarm 2
01 Sep 2015	Land at Crewe Road, Alsager
26 Aug 2015	Former Delamere Forest School
06 Aug 2015	Land east of Rope Lane, Shavington
27 Apr 2015	Mare Street, Hackney
25 Mar 2015	Holly Drive, Northwich
20 Mar 2015	Secretary of State grants permission for called-in Swindon solar park
01 Mar 2015	Land at Steel Cross, Crowborough
01 Jan 2015	Boal Car Park, Belfast

07 Oct 2014	Land at Pool Lane, Winterley; Land at Old Mill Road, Sandbach; Land at Dingle Farm, Sandbach
19 Sep 2014	Called-in Swindon solar park inquiry closes
09 Sep 2014	Land at Science Museum, Wroughton
01 Jul 2014	Shepham Lane, Polegate
01 Jun 2014	Asda, Newtownards
01 Jun 2014	Land at Whyteleafe Road, Caterham
01 May 2014	Green Close, Harrow
23 Apr 2014	Network Rail (Ordsall Chord) Order
11 Mar 2014	Hornsea Offshore Windfarm
05 Mar 2014	Land at South Downs Road, Lewes
14 Feb 2013	Oaklands, Hailsham
01 Oct 2012	College Lane Stopping Up Order, London Borough of Camden
01 Feb 2012	Tyrone Cavan Interconnector
01 Jun 2011	Victoria Transport Interchange CPO
01 Mar 2011	Tesco, Castlereagh Road, Belfast
01 Mar 2011	Leeds Bradford International Airport
01 Jan 2011	Honey Farm, Polegate, East Sussex
01 Apr 2010	Victoria Way, Greenwich
01 Jul 2009	Sprucefield Centre, Lisburn
29 Jun 2009	Tesco, Bridgewater Park, Banbridge
01 Jan 2009	UK Border Agency's Immigration Reporting Centre, Hounslow
09 Sep 2008	20 Blackfriars Road, London
22 Jul 2008	Warwick Road, Kensington & Chelsea
01 Oct 2007	Croydon Gateway CPO
01 Jan 2007	Sherford New Community
01 Jan 2007	South Downs National Park
01 Jan 2007	Belfast Metropolitan Area Plan
01 Jan 2007	Craigavon Area Plan
01 Jan 2006	Peruvian Safeguarded Wharf, London
01 Jan 2006	Former Vaux Brewery, Sunderland

01 Jul 2005	Broadmarsh CPO, Nottingham
01 Jan 2005	Trinity Quarter CPO, Leeds
01 Jan 2003	Liverpool PSDA CPO
01 Jan 2003	Derby Eagle Centre CPO

Publications

01 Oct 2019	Changes To Schemes
01 Oct 2019	The Boundary Between The 1990 And 2008 Acts
03 Dec 2018	2018 Planning Case Law Update
28 Nov 2018	Statements of Community Involvement
10 Sep 2018	The Revised NPPF: Local plans
25 Jun 2018	Legal Challenges to Plans
05 Apr 2016	The New EIA Directive
22 Jan 2015	Neighbourhood Planning- Progress and Prognosis
01 Jun 2014	Consultation: The Legal Requirements
01 Sep 2012	Community Infrastructure Levy
13 Sep 2011	Planning Law Lunch Workshops- Case Law Update
01 Nov 2010	Marine Management- Marine & Coastal Access Act 2009: Marine Planning
24 Sep 2009	Environmental Impact Series- Air Quality- The Legal and Policy Issues
