



Richard Honey

Year of call: 2003 (Inner Temple)



Practice profile

Richard practises in all areas of planning and environmental law, with particular emphasis on public law issues, infrastructure projects, and compulsory purchase and compensation. He is a member of the Attorney General's panel of junior counsel to the Crown (C Panel) and the Crossrail/TfL panel of counsel.

Richard was ranked as a leading barrister in environmental law in Chambers and Partners 2010, which said: "up-and-comer Richard Honey is a well-liked individual with an impressive record of success in matters relating to waste, contaminated land, statutory nuisance and civil liability for pollution".

Richard was ranked as a leading junior in planning law in both the 2009 and 2008 Legal 500. The 2007 Legal 500 described him as a planning junior who "can't be overlooked". Richard was also ranked in the top 10 highest rated planning barristers under the age of 35 in both the 2008 and 2009 *Planning* magazine surveys.

Experience

Public and administrative law

Richard regularly advises on, and appears in, cases involving **public and administrative law** issues. He is on the Attorney General's C Panel of junior counsel to the Crown. Richard has substantial experience of public law challenges to planning decisions, as well as other areas of public law, including regulatory judicial review, local government, immigration, human rights and European Community law. He was second junior for the Attorney General in *Cooper v Attorney General* [2008] 3 CMLR 45, a case concerning the liability in damages of the UK courts for errors in applying EC law. Richard is also a member of the Treasury Solicitor's list of counsel with expertise in freedom of information law.

Representative cases include:

- *Harris v Registrar of Approved Driving Instructors* [2010] EWCA Civ 808
- *Leeds CC v SSCLG* [2009] EWHC 1014 (Admin)
- *Mid Beds Model Aircraft Club v SSCLG* [2009] EWHC 681 (Admin)
- *Bleaklow v SSCLG* [2009] 2 P&CR 21, [2009] JPL 1477
- *Amber Valley BC v SSCLG* [2009] EWHC 80 (Admin)
- *Ortona v SSCLG* [2009] JPL 1033 (HC); [2010] 1 P&CR 15 (CA)
- *R (Mahmood) v SSHD* [2008] EWHC 2441 (Admin)

Environmental law

Richard Honey's experience of **environmental law** includes statutory nuisance, waste, contaminated land, environmental impact assessment, drinking water, IPPC permitting, civil liability for pollution, and environmental crime. He also has experience of environmental taxation, having been involved in a number of aggregates levy cases, including as junior counsel in *MMC Midlands v HMRC* [2009] EWHC 683 Ch, [2009] STC 1969. He is currently instructed to defend a number of prosecutions brought by the Environment Agency.

Richard is familiar with the law of **highways** (including public rights of way, street works, traffic regulation and highways development), **commons** and **village greens**, and has assisted the editors of Gadsden's *Law of Commons and Village Greens*. Richard has represented applicants for village green registration, acted in judicial review proceedings against registration authorities, advised registration authorities, and sat as an inspector.

Richard has experience of **countryside law**, and has advised Natural England (formerly the Countryside Agency) on a number of matters connected with national

park and AONB designations. He was junior counsel for Natural England in the re-opened South Downs National Park inquiry, where the inspector was persuaded to change his recommendation, to support the confirmation of the park largely as designated by Natural England, a recommendation which was accepted by the Secretary of State. He has also advised Natural England on the establishment of the South Downs National Park Authority and designation work in the North West of England.

Infrastructure

Richard's experience of **major infrastructure projects** includes schemes under the Transport and Works Act (tram schemes: Merseytram and West London Tram) and the Electricity Act (large wind farms: Scout Moor and Whinash), and parliamentary work, having been instructed for a number of Crossrail petitioners, including appearances before the Commons select committee for a London borough and a trade association. Richard was part of the team advising BAA on its proposals for the expansion of Stansted Airport. He is a member of the panel of counsel appointed to advise Crossrail/TfL on Parliamentary, planning, compulsory purchase and compensation matters.

Richard has experience of **compulsory purchase**, including appearing for an acquiring authority in the High Court and advising the promoter of a housing CPO. He advised BAA on compulsory purchase issues connected with the Stansted second runway scheme. Richard also has experience of related areas, including highways development.

Land valuation

Richard has particular experience of disputes relating to **land valuation** and **compensation** for compulsory purchase. He is currently acting for a number of acquiring authorities in Lands Tribunal compensation cases, including in relation to Crossrail, Thameslink 2000 and various road schemes (for the Secretary of State for Transport, the Welsh Ministers, the Highways Agency, and Transport for London). Richard represented the London Development Agency in the first compensation claim to reach the Tribunal arising from the 2012 Olympics CPO, where some £2.2 million was in dispute (*Singh v LDA* [2010] RVR 41). He has also advised Merseytravel on a compensation claim.

Richard was instructed as junior counsel for a county highway authority, defending a compensation claim of around £15 million arising from a road scheme (see *Clemdell v Dorset CC* [2009] RVR 318). He was junior counsel in *Moto Hospitality v Secretary of State for Transport* [2008] 1 WLR 2822, which concerned injurious affection, and in another MSA compensation case for Moto.

Planning

Richard's practice includes a substantial element of **planning law**. Richard regularly advises on and appears in High Court challenges to planning permissions and planning appeal decisions, for both claimants and defendants.

Richard's planning inquiry work has included:

- New farmstead, Kent - Appearing for the landowner in relation to an appeal for a new agricultural building (over 2,000 sqm) and dwelling on a greenfield site designated as both Green Belt and AONB.
- Helicopter landing site, Kent - Appearing for the landowner to secure permission for a helicopter landing pad at a site which was designated as Green Belt, an historic park and garden, a conservation area and within the setting of a Grade II* listed building.
- Wind farm, South Hams - Appearing for the local residents' association to oppose the development of a three 100m turbine wind farm close to the South Devon AONB, which was refused permission on the basis of its adverse effects on the local landscape and local historic environment. See [2009] PAD 46.
- Wind turbine, Glyndebourne - Appearing for Lewes District Council in the call-in inquiry to support the proposal for a 70m-high 850kW wind turbine in the Sussex Downs AONB and proposed South Downs National Park, intended to serve the opera house. It is the first commercial-scale turbine permitted in a National Park.
- ZEDHomes, Ashford - Appearing for Kent County Council in connection with highways and planning contributions objections to a mixed use 'zero carbon' proposal for over 1,000 flats on brownfield land.
- Gypsy caravan site, Medway - Appearing for the local planning authority successfully to defend the refusal of planning permission for a gypsy caravan site in the countryside.
- Aberdeen Centre, London - Appearing for the London Borough of Islington in the appeal against refusal of planning permission for a mixed use development (74 residential units and 8,000 sq m of B1 floorspace).
- London Array wind farm substation, Kent - Instructed to appear for Kent County Council to support the appeal by London Array against the refusal by Swale BC of planning permission for an onshore substation to serve the development of a 1,000 MW offshore wind farm of up to 271 turbines.
- Colnbrook Landfill, Slough - Appearing for Slough BC against Biffa Waste Services in an appeal against refusal of permission for a hazardous contaminated soil treatment facility.
- Lamb's Passage, London - Appearing for the London Borough of Islington in an appeal against the deemed refusal of an application for a mixed use residential building (80 units) in the City fringe. See [2007] PAD 6.
- Bitchet Green, Sevenoaks - Appearing for Sevenoaks DC in the successful defence of the refusal of a lawful use certificate based on a claim for a deemed planning permission arising by operation of law under the Caravan Sites and Control of Development Act 1960. See [2006] PAD 87.
- Quinn Glass factory, Cheshire - Appearing for the GMB Union to challenge the economic impact of the 173,000 sq m development, including on employment in the glass industry in Yorkshire.

- Whinash wind farm, Cumbria - As counsel representing the Countryside Agency objecting to a major wind farm scheme (27 x 115m turbines) adjacent to the Lake District National Park, proposed under the Electricity Act 1989. See [2006] JPL 1234.

Arbitration and mediation

Richard has experience of **arbitration and mediation**. He is a Fellow of the Chartered Institute of Arbitrators and has advised on arbitration law and procedure in connection with Lands Tribunal proceedings. He has acted as a party representative in a number of successful mediations, including disputes on compensation for compulsory purchase. Richard is a member of the Planning and Environment Bar Association ADR sub-committee.

Publications

Richard is the planning decisions editor of the *Journal of Planning Law* and an editor of the *Planning Appeal Decisions*, both published by Thomson Reuters (Sweet & Maxwell). He is also the author of the chapter on planning appeals in the RICS's ISURV online publication. Recent papers and seminars include:

- "Compulsory purchase and compensation: case law update", CPA National Conference 2010;
- "Effective traffic signs for TROs", CLT conference;
- "How effective is policy in setting boundaries for decision-makers?" *Journal of Planning Law*, [2010] JPL 404;
- "The effect of village green registration on developments", CLT conference;
- "Compensation for injurious affection", chambers seminar;
- "Challenging traffic regulation orders", CLT conference;
- "Key Principles in Judicial Review", chambers seminar;
- "Planning for a new generation of power stations" *Journal of Planning Law*, [2007] JPL 843, with Keith Lindblom QC;
- "Commons Act 2006: developing common land and protecting village greens" *Env Law Rev* 9 (2007) 132-136;
- "Lots in common" (2006) *Solicitors' Journal* Vol 150 No 40 pp1348-1530, on the Commons Act 2006;
- "Ex parte Beresford" *Rights of Way Law Review* (Sept 2004) p67 with Greg Jones;
- "Rights without registration" *Property Law Journal* (2004) No 128 pp15-18, on village greens.

Qualifications and Appointments

- Attorney General's Panel of Junior Counsel to the Crown (C Panel)
- Call 2003 (Inner Temple)
- Chartered Surveyor
- Fellow of the Chartered Institute of Arbitrators

Richard is a member of the Planning and Environment Bar Association, the Administrative Law Bar Association, the UK Environmental Law Association, the Environmental Law Foundation and the Compulsory Purchase Association. He is a visiting lecturer at King's College London. Richard is also a member of the RICS Dispute Resolution Professional Group Board.