

## Alexander Greaves

Call: 2012

### Practice areas:

**Planning, Public Law, Environment, Highways, Commons and Open Spaces, Compulsory Purchase and Compensation, Major Infrastructure Projects, Licensing, Local Government**



## Practice Profile

Since joining Chambers in 2014, Alexander has developed a busy specialist practice at the planning, environment and local government bar, and is rated as one of the top planning barristers under the age of 35.

Recent notable cases in which he has been involved in include:

- Acting (as junior to Gregory Jones KC) for West Cumbria Mining Ltd, regarding its application for a new metallurgical coal mine in Whitehaven, which has drawn international press coverage. Planning consent was granted by the Secretary of State in December 2022, in accordance with the recommendation of a planning inspector who held a 4 week inquiry into the proposal in September 2021 after it was called in by the Secretary of State. Alexander appeared at the inquiry and is currently instructed as junior counsel by West Cumbria Mining Ltd, as interested party, to defend two s. 288 challenges to the Secretary of State's decision.
- Acting for West Oxfordshire District Council, who successfully resisted an appeal against their decision to refuse planning permission for a retirement community of up to 160 extra care units within the grounds of a former country house, which were found to comprise a Valued Landscape.
- Acting for the claimant in a 2 day s. 113 claim (*Norton St Philip PC v Mendip DC* [2022] EWHC 3432 (Admin)), which successfully challenged the adoption of a local plan on grounds relating to misinterpretation of policy and a failure to consider reasonable alternatives through the sustainability appraisal.
- Advising and acting for HS2 (as junior to Morag Ellis KC) in a number of judicial reviews concerning appeals under Schedule 17 to the High Speed Rail (London to West Midlands) Act 2017, which were either refused permission, or dismissed by the High Court in *Buckinghamshire Council v SST* [2022] EWHC 1923 (Admin).

Alexander welcomes instructions to act individually or as part of a team across all of Chambers' areas of practice.

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## Planning

Alexander regularly appears at planning inquiries, examinations in public and in the courts on related matters. Through secondments at Westminster City Council and the London Borough of Bexley he has also gained a valuable insight into the operation of local government, advising planning committees and officers on a wide variety of matters. Particular areas of expertise include the following.

## Housing

Alexander has considerable experience of housing-related work and regularly appears at planning inquiries concerning residential development, including specialist housing for older people. He has acted for local planning authorities, developers and Rule 6 Parties at inquiries covering a whole range of issues, including five year supply, housing needs assessments (including affordable, custom self-build and extra care), landscape, heritage, green belt, AONB, flood risk, highways, acoustic, ecology, sustainability and GHG emissions. Recent examples include:

- *Brittains Lane, Sevenoaks* – Acting for a local residents' association, as Rule 6 Party, objecting to a development for 70 homes in the Green Belt at an 8 day inquiry.
- *Land West of Wroslyn Road, Freeland* – Acting for West Oxfordshire District Council, who successfully resisted an appeal against their decision to refuse planning permission for a retirement community of up to 160 extra care units following a 6 day inquiry.
- *Land South of Arlesey Road, Stotfold* – Acting for Central Bedfordshire Council, in a 9 day inquiry regarding an appeal against their decision to refuse planning permission for the development of 181 dwellings and an integrated care village.
- *Land to the West of High Street, Arlesey* – Acting for Central Bedfordshire Council, who successfully resisted an appeal against their decision to refuse planning permission for the development of 112 dwellings on part of an allocated site following a 6 day inquiry. A costs application made by the appellant was also dismissed.
- *Land North of Southill Road, Broom* – Acting for Central Bedfordshire Council, who successfully resisted an appeal against their decision to refuse planning permission for 90 dwellings within the setting of a Grade II listed country house.
- *Land South of Gloucester Road, Thornbury* – Acting (as junior to Suzanne Ornsby KC) for South Gloucestershire Council, who successfully resisted an appeal against their decision to refuse planning permission for an urban extension comprising 370 dwellings on the edge of Thornbury, within the setting of a number of heritage assets.

In addition to inquiry work, Alexander is very familiar with advising on all housing related matters that arise in the context of local plans.

## Local Plans

Alexander has experience promoting and objecting to local plans as both sole and junior counsel, as well as other local plan related work, including:

- Acting for the claimant in a s. 113 claim (*Norton St Philip PC v Mendip DC* [2022] EWHC 3432 (Admin)), which successfully challenged the adoption of a local plan on grounds relating to misinterpretation of policy and a failure to consider reasonable alternatives through the sustainability appraisal.
- Advising (as junior to James Pereira KC) the Conservators of Epping Forest in their successful

objection to the HRA of the emerging Epping Forest Local Plan, which resulted in the need for further HRA work and amendments to the submitted plan.

- Advising and acting for South Gloucestershire Council in the preparation and promotion of its Policies Sites and Places Plan (adopted in 2017).
- Acting (as junior to Suzanne Ornsby KC) for West Oxfordshire DC in the promotion of its new local plan (adopted in 2018).
- Acting (as junior to Suzanne Ornsby KC) for local authorities objecting to the promotion of an area action plan by a neighbouring local authority on the basis that it was unsound and failed to comply with the duty to co-operate.

## **Minerals and Waste**

- Advising and acting (as junior to Gregory Jones KC) for West Cumbria Mining Ltd, in relation to its application for a new metallurgical coal mine in Whitehaven which has drawn international press coverage. Planning consent was granted by the Secretary of State in December 2022, in accordance with the recommendation of a planning inspector who held a 4 week inquiry into the proposal in September 2021. Alexander is currently junior counsel instructed by West Cumbria Mining Ltd, as interested party, to defend two s. 288 challenges to the Secretary of State's decision.
- Advising (as junior to Andrew Tait KC) Tungsten West on matters relating to an unauthorised dwelling in close proximity to their mine in Devon, which has included a successful application for judicial review to quash an LDC for the dwelling granted by the LPA.
- Acting for the waste planning authority in an appeal against the refusal of planning permission for a strategic waste complex in the Buckinghamshire green belt. The appeal considered issues relating to harm to the green belt, the availability of alternative sites and prematurity.
- Acting for a waste planning authority taking enforcement action against a number of unauthorised waste sites in the green belt.
- Acting (as junior to Gregory Jones KC) for a Rule 6 Party objecting to the development of a Materials Recovery Facility in Wiltshire, in a case involving complex issues relating to the lawful fall-back position, air quality impacts and the adequacy of the environmental statement. After losing at appeal, the decision was successfully quashed in the High Court (*Wiltshire Waste Alliance v SSCLG* [2018] Env LR 33) on the basis that the inspector had misinterpreted the historic consents and the appropriate fall-back position.
- Advising a local authority on the EIA implications of a s. 73 application for an existing energy from waste facility.
- Advising on compliance with conditions in the operation of waste sites.

## **Enforcement and Lawful Development Certificates**

RetailAlexander has considerable experience of planning enforcement related matters. Examples include:

- Acting as sole counsel for at numerous enforcement inquiries regarding unauthorised development relating to residential conversions, live/work units, builders' merchants and scrap yards.
- Assisting Saira Kabir Sheikh KC (representing Westminster City Council) in the high-profile enforcement inquiry concerning the unauthorised demolition of the Carlton Tavern just days before it was due to be listed. The appeal decision upheld the enforcement notice, requiring the demolished pub to be re-built brick by brick.
- Acting (as Junior to Saira Kabir Sheikh KC) in a number of hotel / hostel enforcement inquiries in central London, including the re-determination of an inquiry following the Court of Appeal's decision in *Westminster City Council v SSCLG* [2015] EWCA Civ 482.
- Appearing at a number of LDC inquiries, including a 5 day inquiry concerning the use of land for the storage of cars. Following the appeal, Alexander also acted for the local authority in defending the

Appellant's s. 288 challenges to the appeal and costs decisions, which were dismissed at the permission stage.

- Acting for the successful defendant in *R (Flint) v South Gloucestershire Council* [2017] JPL 310 (Admin), which challenged the planning unit and specificity of use identified in an LDC granted for use of land as a shooting school.
- Advising and representing clients being prosecuted in the criminal courts for failing to comply with enforcement notices.

## Retail

Alexander has a detailed understanding of matters relating to the sequential and retail impact tests, and previously acted (as Junior to Suzanne Ornsby KC) for the local planning authority at a 4 week multi-party inquiry into the proposed extension of The Mall at Cribbs Causeway, a large out-of-town shopping centre near Bristol, which was called-in by the Secretary of State.

## Advertising

Alexander is familiar with advising on the various elements of the control of advertisements and deemed consent, including acting for companies being prosecuted for the unauthorised display of advertisements. He recently acted (as junior to Gregory Jones KC) for company in an appeal against a removal notice relating to a large advertisement in Shoreditch, which was subsequently withdrawn by Hackney LBC.

## Other Matters

In addition to examples set out above, Alexander frequently advises on planning-related matters, including: the interpretation of the GPDO; the construction of planning conditions; and planning obligations and CIL. He has also been a regular contributor to the Journal of Planning and Environmental Law.

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## Public Law

Alexander has experience (as sole and junior counsel) acting for claimants, defendants and interested parties in High Court claims. Recent examples include:

- *Norton St Philip PC v Mendip DC* [2022] EWHC 3432 (Admin): Acting for the claimant in a s. 113 claim, which successfully challenged the adoption of a local plan on grounds relating to the misinterpretation of policy and failure to consider reasonable alternatives, resulting in a number of housing allocations being quashed.
- *Buckinghamshire Council v SST* [2022] EWHC 1923 (Admin): Acting (as junior to Morag Ellis KC) for HS2, as interested party, in three linked judicial reviews brought by Buckinghamshire Council, which sought to challenge the Secretary of State's approval of lorry routes for temporary construction traffic under Schedule 17 of the High Speed Rail (London – West Midlands) Act 2017. All three claims were dismissed, and the interested party was (unusually) awarded some of its costs of responding to the claims.
- *Lambeth LBC v SSHCLG* [2021] PTSR 1606: Acting (as junior to Douglas Edwards KC) for Lambeth LBC in a judicial review which successfully challenged a decision to allow an appeal against CIL late payment surcharges imposed by the council.

- ***R (Parkview Homes Ltd) v Chichester DC*** [2021] JPL 1075: Acting for the claimant developer who successfully challenged the grant of a s. 73 permission extending the hours of operation of a neighbouring bar and nightclub.
  - ***Wiltshire Waste Alliance v SSCLG*** [2018] Env LR 33: Acting (as junior to Gregory Jones KC) for a local residents' group who successfully challenged the grant of planning permission for a Materials Recovery Facility on the basis that the environmental statement was inadequate and the inspector had misinterpreted one of the planning permissions relied upon as a fall-back position.
  - ***R (Flint) v South Gloucestershire Council*** [2017] JPL 310: Acting for the successful defendant in a claim which challenged the planning unit and specificity of use identified in and LDC granted for use of land as a shooting school.
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## Environment

Alexander frequently advises on areas of environmental law, particularly where they dovetail with his planning practice. Recent and ongoing examples include:

- Advising on a number of matters relating to greenhouse gas emissions and the Climate Change Act 2008 while acting (as junior to Gregory Jones KC) for West Cumbria Mining Ltd in relation to their application for a new metallurgical coal mine.
  - Advising (as junior to James Pereira KC) the Conservators of Epping Forest on their objection to the HRA of the emerging Epping Forest Local Plan.
  - Advising on air quality issues, including the designation of Clean Air Zones.
  - Advising on SEA and HRA in the context of local plan preparation.
  - Advising on the provision of SANGs.
  - Advising on Aarhus costs protection.
  - Advising and representing a high street betting company being prosecuted for failure to prevent the escape of controlled waste, contrary to section 34 of the Environmental Protection Act 1990.
  - Advising a company director being prosecuted for the unauthorised disposal of waste in breach of environmental permits.
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## Highways, Commons and Open Spaces

Alexander has appeared at a number of village green inquiries representing both applicants and objectors. These include:

- Acting as sole counsel for applicants in two village green inquiries, one of which resulted in partial registration of the land.
- Acting (as junior to Morag Ellis KC) for objectors at inquiries in Kent and Dorset.

He is currently instructed by Natural Resources Wales, who are objecting to an application to register a large site at Gwrych Castle Woodlands that is partially within their ownership.

Alexander has also successfully acted for an applicant in judicial review proceedings seeking to quash the decision of a registration authority not to register land as a TVG, in which the registration authority consented to judgment.

In addition to village greens, Alexander has also advised on other matters concerning public open space, including:

- The appropriation and disposal of open spaces
  - Assets of Community Value
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## Compulsory Purchase and Compensation

Alexander recently acted for an acquiring authority who was successful in getting a compensation claim struck out on the basis that it was out of time. Permission to appeal against that decision was subsequently refused by the Court of Appeal, who recorded that the application was totally without merit.

As pupil to James Pereira KC, Alexander had the opportunity to attend the Upper Tribunal (Lands Chamber) hearing for *Clearun Ltd v GLA* [2014] UKUT 0116, the first compensation claim to come before the Tribunal following the London 2012 Olympic CPO.

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## Major Infrastructure Projects

As junior to Morag Ellis KC, Alexander has advised and acted for HS2 in a number of judicial reviews concerning appeals under Schedule 17 to the High Speed Rail (London to West Midlands) Act 2017, which were either refused permission or dismissed by the High Court in *Buckinghamshire Council v SST* [2022] EWHC 1923 (Admin).

Whilst undertaking pupillage with Hereward Phillpot KC and James Pereira KC, Alexander gained exposure to the promotion of various DCOs. In particular, he had the opportunity to attend hearings, conferences and consider issues which arose in the course of the Thames Tideway Tunnel DCO.

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## Licensing

Alexander has advised and represented local authorities, applicants and responsible authorities at licensing appeals in the magistrates' court and at licensing sub-committee hearings. He has also acted as legal adviser to licensing sub-committees dealing with a variety of issues.

Recent work includes:

- Advising and acting for a local authority responding to an appeal by a street trader against de-designation of part of a licence street.
- Advising and appearing for the police at review and summary review hearings.
- Acting for the police in various closure order applications, including a closure order under s. 21 of the Criminal Justice and Police Act 2001.

- Advising a premises licence-holder being prosecuted for offences under the Gambling Act 2005.
  - Advising and representing a client seeking a licence for the provision of late night refreshment in a cumulative impact zone.
  - Alexander has also written a number of articles published in the Journal of Licensing.
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## **Local Government**

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## **Other Experience**

Prior to joining chambers, Alexander worked as a PSL paralegal in the professional and commercial disputes team of a leading international law firm. During this time, he conducted legal research and drafted case summaries for publication. He also volunteered as a housing casework assistant for Hackney Community Law Centre.

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## **Education and Scholarships**

Alexander holds a first class BA degree in History from the University of Manchester. Alexander completed his GDL with commendation and achieved the highest mark in the year for modules on Judicial Review and Company Law on the BPTC.

He was awarded the Queen Mother's Scholarship and the Blackstone Exhibition Award from Middle Temple.

During pupillage, he won the UKELA Senior Mooting Competition, judged by Lord Carnwath.

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## **Interests**

Alexander is a keen cyclist and has toured across Slovenia, Italy, Germany, France and Switzerland. He also enjoys skiing and sailing.

He is passionate about food and devotes much of his spare time to the pursuit of all things culinary.

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## Quotes

*One of the top-rated planning barristers under the age of 35*  
Planning magazine, Planning Law Survey 2022