



Ned Westaway

Call: 2009 **Public Access**

Practice areas:

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



Practice Profile

Ned is a highly regarded lawyer who accepts instructions in a wide variety of work, in particular across all areas of planning, environmental and highways law.

He is consistently rated as a leading barrister by Chambers and the Legal 500 in three categories: planning law, environmental law and agricultural & rural affairs. He was named as Planning and Environmental Junior of the Year at the Chambers UK Bar Awards 2022.

Ned regularly appears in the High Court and the Court of Appeal and has appeared in the Supreme Court on four occasions – twice as advocate (for the appellant in *CPRE Kent v SSCLG* [2021] UKSC 36; [2021] 1 WLR 4168 and for the second respondent in *R (Lancashire CC) v SSEFRA* [2019] UKSC 58; [2021] AC 194.

Ned is on the Attorney General's A Panel of counsel and is the immediate past Chair of the UK Environmental Law Association (UKELA). Ned is standing counsel for the Campaign for National Parks. He regularly undertakes work pro bono and is accredited to take work on a direct public access basis. Ned is Honorary Associate Professor at UCL's Centre for Law and the Environment. He is also a trustee of the Organic Research Centre and a member of PEBA and ALBA

Planning

Ned has extensive and practical knowledge of planning law from high profile development proposals to technical enforcement work. He has acted for applicants, local authorities and third party objectors in many different contexts. Ned is consistently ranked as a leading planning junior by Chambers UK, Legal 500 and Who's Who Legal.

Recent inquiry work includes for Tower Hamlets Council successfully resisting an appeal relating to a proposed tall building within Millwall Inner Dock, and for Amber Valley Borough Council on an appeal

against a major (50MW) onshore solar farm at Alfreton, Derbyshire. Chambers UK comments that Ned's "method of questioning and cross-examining is impressive, he's firm but fair".

Recent statutory challenges include *Brent LBC v SSHCLG* [2022] EWHC 1875 (Admin) (on enforcement notices/CLEUDs), *R (Whitley Parish Council) v North Yorkshire CC* [2022] EWHC 238 (Admin) (on Green Belt protection and environmental policy – recently heard on appeal) and *Greenwood v SSHCLG* [2021] EWHC 2975 (Admin) (on planning conditions).

Ned has considerable experience of housing cases under the NPPF and local plan policies, including the Wisley Airfield inquiry into proposals for more than 2,000 homes in the Surrey Green Belt. He was counsel for the appellant in *CPRE Surrey v Waverley BC* [2019] EWCA Civ 1826, a case considering objectively assessed need and housing market areas. He has acted at numerous planning appeals and statutory challenges relating to housing development including a recent High Court challenge by Bovis and Miller Homes of the refusal to grant permission for 650 homes in Cheltenham (*Bovis Homes Ltd and Miller Homes v SSCLG* [2016] EWHC 2952 (Admin)). Ned has given advice on starter homes and the application of government policy to a number of clients, including the Ebbsfleet Development Corporation.

Ned has wide experience of lawful development certificate, planning enforcement, prosecution and committal proceedings. Notably, he obtained permission for the retrospective demolition of dwellings in a conservation area on appeal – a decision upheld in the High Court (*Tower Hamlets LBC v SSHCLG* [2019] EWHC 2219 (Admin)). Other cases in these areas include *Kestrel Hydro v SSCLG* [2016] EWCA Civ 784 (on the scope and nature of the 'Murfitt principle'), *Ravensdale Ltd v SSCLG* [2016] EWHC 2374 (Admin), *Pathfield Estates Ltd v Haringey LBC* [2013] EWHC 2053 (Admin) and *Oxfordshire CC v Wyatt Brothers (Oxford) Ltd* [2012] EWCA Civ 1921.

In addition to those cases noted above, Ned has acted in numerous planning judicial reviews and statutory challenges, including *R (Liverpool Open and Green Spaces CIC) v Liverpool CC* [2020] EWCA Civ 861; [2021] 1 P & CR 10, *Tingey v SSHCLG* [2020] EWHC 3373 (Admin), *Hook v SSHCLG* [2020] EWCA Civ 486, *R (Becker) v Hertfordshire CC* [2018] EWHC 1974 (Admin), *R (Usher) v Forest Heath DC* [2017] EWHC 2511 (Admin), *Akhtar v SSCLG* [2017] EWHC 1840 (Admin), *New Dawn Homes Ltd v SSCLG* [2016] EWHC 3314 (Admin), *Forster v SSCLG* [2016] EWCA Civ 609, *Doncaster MBC v SSCLG* [2016] EWHC 2876 (Admin), *R (Harper) v South Oxfordshire DC* [2014] EWHC 1331 (Admin), *R (Evans) v Basingstoke and Deane BC* [2013] EWCA Civ 1635, *R (Feeney) v SST* [2013] EWHC 1238 (Admin) and *R (U & Partners (East Anglia) Ltd) v Broads Authority* [2011] EWHC 1824 (Admin).

Other cases of note include:

- Successfully acting for claimants in a challenge against redevelopment proposals for the Cressingham Gardens estate in south London, on heritage grounds
- Acting for Islington Council at an inquiry into hotel/office development on Farringdon Road in London ([2018] PAD 24)
- Acting for East Devon District Council at an inquiry into proposed redevelopment of their offices in Sidmouth for the provision of extra care
- Acting for CPRE Kent in an important case on costs in planning cases in the Court of Appeal and the Supreme Court (*CPRE – Kent Branch v SSCLG* [2019] EWCA Civ 1230; [2020] 1 WLR 352; *CPRE Kent v SSCLG* [2021] UKSC 36; [2021] 1 WLR 4168)
- Acting for Barnet Council in committal proceedings for breach of an injunction under s.187B of the Town and Country Planning Act 1990
- Acting for Islington Council at the Chadwell Street Car Park inquiry, involving substantial basement development ([2017] PAD 22)

- Acting with Andrew Tait KC for the Garden Bridge Trust (twice) successfully resisting judicial review challenges (the latest of which was determined in October 2016: *R (O'Neill) v London Borough of Lambeth* [2016] EWHC 2551 (Admin))
- Appeared with Morag Ellis KC for Camden in *Athlone House Ltd v SSCLG* [2015] EWHC 3524 (Admin), a challenge to the refusal of an appeal for controversial redevelopment proposals on Metropolitan Open Land
- Acting for the promoter of a large inland marina at Ratcliffe-on-Soar on appeal against Nottinghamshire County Council's non-determination of the application
- Appeared for a local action group opposing wind development that would have had an impact on Southwell Minster in Nottinghamshire
- Resisted a contested appeal against Kings Lynn and West Norfolk BC's refusal to issue a certificate of lawful use (reported at JPL 2012 (7) 858-876)
- Appeared with Keith Lindblom KC (as he then was) for the Friends of St Katharine Docks in their successful third party objection to major redevelopment proposals
- Made representations to the Examination in Public of the latest version of the London Plan, England's only surviving Regional Strategy
- Successfully acted for the appellant in a planning enforcement appeal regarding houseboats on the Driffild Navigation, Yorkshire (Planning Magazine, 22 October 2010, page 35) – Ned's first planning inquiry

Environment

Ned is one of the most highly regarded junior barristers for environment law.

He has considerable expertise and experience across the field, including in nature conservation, nuisance, water, waste and contaminated land. He has acted for Defra, the Environment Agency, the Marine Management Organisation and Natural England and has a thorough understanding of pollution control, marine and habitats law. He has also advised clients on a number of matters concerning the Environment Act 2021, including the Office for Environmental Protection.

Ned regularly advises on environmental impact assessment (EIA) and habitats assessment. Ned was counsel to CPRE in its successful challenge of planning permission granted to major residential development in the Kent Downs AONB about the standard of reasons for EIA development in sensitive areas (*R (Campaign to Protect Rural England) v Dover DC* [2016] EWCA Civ 936 – upheld in the Supreme Court in December 2017: [2017] UKSC 79). Ned also acted for the claimant in *Pearce v SSBEIS* [2021] EWHC 326 (Admin); [2022] Env LR 4 – a successful judicial review of the consent to a major offshore wind project on cumulative impact/EIA grounds. He acted for the claimant in the challenge to the Oxford-Cambridge Expressway routing decision on EIA and HRA grounds (*R (Berks Bucks and Oxon Wildlife Trust) v SST* [2019] EWHC 1783 (Admin)). He was junior to Robert McCracken KC in *R (Evans) v Basingstoke and Deane BC* [2013] EWCA Civ 1635, a case that considered the compatibility of planning enforcement time limits with EIA law. He was instructed by Friends of the Earth in its Supreme Court intervention on the appeal of the Northern Ireland Court of Appeal's decision in *Central Craigavon Ltd's Application for Judicial Review* [2011] NICA 17. Ned also acted for Natural England resisting a challenge to a condition designed to protect EU habitats in *R (Feeney) v SST* [2013] EWHC 1238 (Admin).

Ned has a particular strength in the law concerning habitats, protected species and animals. Recent work in this area includes defending the Heather and Grass etc. Burning (England) Regulations 2021, representing Natural England in challenges to the introduction of fish passes in the Norfolk Broads and

defending a judicial review brought by Water UK of the implementation of the Farming Rules for Water.

Ned has advised both acted in and advised on cases concerning the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). He has also acted in cases concerning animal health (most notably Geronimo the alpaca – *MacDonald v APHA* [2021] EWHC 2325 and *R (MacDonald) v SSEFRA* [2019] EWHC 1783 (Admin); [2019] ACD 97), zoo licensing and the licensing of dangerous dogs (*R (Stronge) v Commissioner of Police of the Metropolis* [2021] EWHC 766 (Admin); [2021] 4 WLR 78 and *Webb v Chief Constable of Avon and Somerset* [2017] EWHC 3311 (Admin); [2018] 1 WLR 5001).

Recent advice includes on biodiversity net gain, the regulation of neonicotinoids and the application of basic payment rules to conservation land.

Ned has developed a particular expertise on climate change law. Notable cases in this field include:

- The judicial review of the Net Zero Strategy – *R (Friends of the Earth Ltd) v SSBEIS* [2022] EWHC 1841 (Admin); [2022] HRLR 18 – where Ned acted for the Secretary of State
- *R (Plan B Earth) v Prime Minister* [2021] EWHC 3469 (Admin): a challenge to alleged inaction by Government on climate change mitigation and adaptation on humans rights grounds
- The hearing in the Court of Appeal of the challenge to the UK emissions trading scheme – *R (Elliott-Smith) v SSBEIS* [2021] EWCA Civ 2064
- Representing the Secretary of State with Andrew Tait KC resisting a challenge to the Drax Power (Generating Stations) Order 2019 – *R (ClientEarth) v SSBEIS* [2021] EWCA Civ 43; [2021] PTSR 1400

On waste, Ned has given advice on technical matters and criminal enforcement, including the correct application of waste classification codes and exemptions from environmental permitting. Ned has also acted for the Environment Agency at an inquiry into a waste enforcement notice and, more recently, in the High Court work in an important case on the distinction between waste disposal and waste recovery in the context of proposed transfrontier shipments to Norway – *R (New Earth Solutions (West) Ltd) v Environment Agency* [2022] EWHC 1883 (Admin).

On water, Ned is currently acting for the Secretary of State on the judicial reviews of the Government's Storm Overflow Discharge Reduction Plan. Ned is recognised by Chambers & Partners as "particularly good" on flooding and he regularly advises on the public, civil and criminal aspects of flood liability. He has acted both for public authorities resisting claims and for individual and insured parties bringing them. He has also appeared at a planning inquiry where the main issue raised was the accuracy of flood modelling. Ned has acted, and is currently acting, for the Environment Agency in claims concerning the extent of riparian rights and obligations (see *Fearon v EA* [2019] UKUT 97 (LC); [2019] RVR 274).

Other cases of note include:

- Acting pro bono for the Sussex Wildlife Trust challenging the decision to grant consent for flood defences at Cuckmere Haven on EIA, habitats and marine conservation grounds
- Acting for local residents challenging decision to build homes on open space/parkland in Liverpool on heritage and policy grounds (*R (Liverpool Open and Green Spaces Community Interest Co) v Liverpool CC* [2019] EWHC 55 (Admin) – upheld on appeal [2020] EWCA Civ 861; [2021] 1 P & CR 10
- Acting for South Gloucestershire CC resisting a judicial review to the grant of a hazardous substances consent for the storage of liquefied petroleum gas adjacent to the Severnside Enterprise Area
- Acting with Douglas Edwards KC for Wandsworth LBC in the challenge to the decision to use Battersea Park for Formula E electric racing
- Acting with Craig Howell Williams KC for BAE Systems at the inquiry into and subsequent challenge

to bird cull proposals at the Ribble and Alt Estuary Special Protection Area in Lancashire (*RSPB v SSEFRA* [2015] EWHC Civ 227)

- Appeared for Natural England at the inquiry into the called-in application for a 67 hectare solar array at Wroughton Airfield near Swindon
- Successfully challenged the grant of permission for the redevelopment of Hartley's Brewery in Ulverston due to inadequate consideration given to heritage protection (*R (Hughes) v South Lakeland DC* [2014] EWHC 3979 (Admin))
- Acting with Robert McCracken KC for INEOS ChlorVinyls at the inquiry into monitoring conditions for the waste incinerator at its Runcorn chemical plant
- Acting with Gregory Jones KC for the claimant in *R (U & Partners (East Anglia) Ltd) v Broads Authority* [2011] EWHC 1824 (Admin), a challenge to the Environment Agency's flood control works in Norfolk, which confirmed that the requirement of "promptitude" does not apply to judicial reviews under the EIA Directive

In respect of criminal work, Ned acts both for prosecutors and defendants. He represented the Wisely Golf Club in its prosecution by the Environment Agency for various alleged offences under the Thames Region Land Drainage Byelaws and the Wyatt brothers in their appeal against committal for contempt for breaching planning enforcement notices in the Court of Appeal.

Chambers UK comments that Ned is "*one of the best juniors in this area*". He regularly speaks and writes on environmental law and has an LLM (environmental laws) from UCL, where he is a member of the Centre for Law and Environment.

Highways, Commons and Open Spaces

Ned has very considerable experience of the law of rights of way, common land and village greens. His is co-author of *Highway Law* (6th edition, 2022) with Stephen Sauvain KC and Ruth Stockley. Ned regularly acts for Government and highway authorities as well as landowners and has acted for all the major amenity groups, including the Ramblers, Open Spaces Society, British Horse Society, Cycling UK, Trail Riders Fellowship and Green Lanes Association. He has appeared at numerous inquiries under the Commons Act 2006, Wildlife and Countryside Act 1981 and Highways Act 1980.

Ned has a detailed understanding of commons and village green law. Ned appeared in the Supreme Court for the applicant for village green registration in the important case of *R (Lancashire CC) v SSEFRA* [2019] UKSC 58; [2020] 2 WLR 1, on the concept of "statutory incompatibility". He recently appeared in the first High Court case considering s.38 of the Commons Act 2006 (relating to works on common land) – *Open Spaces Society v SSEFRA* [2022] EWHC 3044 (Admin). Other recent work in this area includes the Open Spaces Society's challenge to the decision to deregister common land at Blackbushe Airfield (*Hampshire CC v SSEFRA* [2020] EWHC 959 (Admin); [2021] QB 89).

In addition to Lancashire, he acted for Long Live Southbank in their challenge to Lambeth Council's interpretation of 'trigger events' to preclude a village green application for the 'Undercroft' skate park beneath Queen Elizabeth Hall. He also represented local inhabitants in two cases on the de-registration of town and village greens under section 14 of the Commons Registration Act 1965 in the Supreme Court: *Taylor v Betterment Properties (Weymouth) Ltd and Paddico (267) Ltd v Adamson*: [2014] UKSC 7. He has appeared at several village green inquiries both for landowners and local inhabitants.

On public rights of way, Ned has advised and acted in numerous cases. He recently acted for a

landowner in Oxfordshire successfully supporting the decision not to make a definitive map modification order on appeal. He acted for the Secretary of State in *Garland v SSEFRA* [2021] EWCA Civ 1098; [2021] PTSR 1884 (on nuisance and public rights of way), *Open Spaces Society v SSEFRA* [2021] EWCA Civ 241; [2021] PTSR 1295 (on the legal test for footpath diversion) and *Slough BC v SSEFRA* [2018] EWHC 1963 (Admin) (on common law dedication and s.67 of the Natural Environment and Rural Communities Act 2006).

Ned also has considerable experience of traffic regulation orders – permanent, temporary and experimental. Notably, he acted for the Lake District National Park Authority resisting a challenge to its highly publicised decision not to regulate the use of certain byways to prevent motorcycles and four-wheeled vehicles (*Stubbs v LDNPA* [2020] EWHC 2293 (Admin); [2021] PTSR 261). He has also advised on special event orders and acted in numerous other cases concerning the status and extent of highway land and the lawfulness of limitations on the exercise of highway rights.

Ned has a good understanding of the statutory regime relating to the England Coast Path. He acted for Natural England at the first inquiry into an objection to a proposal for the England Coast Path under the Marine and Coastal Access Act 2009, inland of the Fleet in Dorset. He also acted for the challengers in the first successful judicial review of the confirmation of a stretch of the England Coast Path, in October 2022.

Other cases of note include:

- Advising Cycling UK and British Horse Society on the provision of long-distance routes under s.52 of the National Park and Access to the Countryside Act 1949.
- Acting for landowners in a challenge to a definitive map modification order on the grounds of interruption due to foot and mouth disease in 2001.
- Advising the Lake District National Park on the implications of river erosion for the rights of way network.
- Acting for Open Spaces Society successfully challenging a decision to stop up land in Knowle, Solihull under s.247 of the Town and Country Planning Act 1990
- Acting for Ealing London Borough Council in its successful application to deregister part of Haven Green in order to facilitate the retention of an award-winning cycle hub
- Successfully resisted a challenge to the refusal to register land as a village green (*Forbes v Wokingham BC* [2018] EWHC 1963 (Admin))
- Represented Kent County Council at the inquiry into its making of concurrent stopping up and creation orders along Faversham Creek, which were consented in March 2018
- Acting for Havering Council at an inquiry into a stopping up and diversion order under s.259 of the Town and Country Planning Act 1990
- Acting for Kent County Council at the inquiry into a network of footpaths and bridleways proposed by modification order in Aylesford and Burham
- Acting for Ashfield District Council and Muse Developments Ltd in relation to the proposed diversion of a footpath at Hucknall to facilitate redevelopment of the Rolls Royce site
- Acting for Save Chaucer Fields at the inquiry to register the slopes to the south of the university in Canterbury as a village green, the case involved the determination of a preliminary issue about the retrospective effect of s.15(7)(b) of the Commons Act 2006
- Acting for East Sussex County Council and successfully upholding its objection to a definitive map modification order that sought to downgrade a restricted byway to a footpath in the parishes of Heathfield and Warbleton
- Successfully resisted the confirmation of a definitive map modification order to upgrade a footpath across the Squerryes Estate in Kent to a bridleway based on evidence from 1957–1977
- Acting for Linden Homes in its successful objection to an application to register the 'Public Square'

outside of Willesden Green Library Centre as a town or village green. Acting for Islington Council in its successful objection to an application to register housing estate land at Marie Lloyd Gardens as a town or village green.

- Acting for the successful landowner in the Rydens Way case (junior counsel to Douglas Edwards KC), the case was heard as a non-statutory inquiry on the legal point only and established that the doctrine of res judicata applies to prevent repeat village green applications in relation to the same area of land (reported at JPL 2012 (4) 497-520)
- Represented the Epping Forest Riders Association in their objection to Essex County Council's introduction of cattle grids to the Epping Forest
- Appeared for Shipbourne Parish Council in their successful opposition to the controversial proposed diversion of a footpath in the Kent Downs AONB
- Ned regularly writes on highways issues and has carried out training for the Planning Inspectorate on rights of way and commons matters. Chambers UK commented in 2018 that "his written work in complex cases puts him on a par with many QCs".

Major Infrastructure Projects

Ned has a good overview of major infrastructure cases under the Planning Act 2008 and Transport and Works Act 1992.

With regard to the Planning Act 2008, Ned acted for the Secretary of State in the significant case of *EFW Group Ltd v SSBEIS* [2021] EWHC 2697 (Admin) that concerned the correct legal basis for determining the Wheelabrator Kemsley K3 Generating Station Order 2021. He has also acted in challenges concerning the Drax Power (Generating Stations) Order 2019 and the Riverside Energy Park Order 2020.

Ned has appeared at examinations into the A303 Stonehenge tunnel, Navitus Bay Wind Farm (where he presented the successful objection on behalf of Natural England), Thames Tideway Tunnel and Able Marine Energy Park on the Humber Estuary. He has also advised in connection with Manston Airport and Tilbury 2.

Ned was junior (to Gregory Jones KC) in *R (Dowley) v SSCLG* [2016] EWHC 2618 (Admin), a case that addressed the relationship between compensation provisions and the right of access onto land under s.53 of the Planning Act 2008.

With regard to the Transport and Works Act 1992, Ned acted for Buckinghamshire CC in its representations on the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order, for the MMO on the Northern Line Extension Transport and Works Act Order and for Natural England at the resumed inquiry into the Transport and Works Act Order for Chiltern Railway's Oxford-Bicester line upgrade.

Other more recent work in this area includes advice on biodiversity impacts and the London Array wind farm, the designation of marine protection areas and advice on new onshore oil/shale gas consents.

Ned advised the Greater London Authority on proposed airport development in the Thames Estuary and acted for Hale Parish Council on the Liverpool John Lennon Airport.

Public Law

Ned has wider and more general experience of a range of areas of public law including dangerous dogs (*Webb v Chief Constable of Avon and Somerset* [2017] EWHC 3311), animal health (*R (MacDonald) v SSEFRA* [2019] EWHC 1783 (Admin); [2019] ACD 97), the Convention on International Trade in Endangered Species (CITES) and zoo licensing. He recently advised on the Building Safety Act 2022.

In particular, Ned has a good understanding of local government law and regularly advises local authorities on a range of public law issues, including the extent of their duties and the scope of their powers. He advised Transport for London on the Mayor's proposal to introduce a direct vision standard for HGVs to reduce collisions involving vulnerable road users (the Greater London (Restriction of Goods Vehicles) Traffic Order 1985 (Amendment) Order 2019).

Ned has also been involved in a number of matters relating to the provisions in the Localism Act 2011, including *R (O'Neill) v London Borough of Lambeth* [2016] EWHC 2551 (Admin) (on, among other things, the general power of competence). He recently acted for Haywards Heath Golf Club successfully appealing in the First Tier Tribunal against the listing of their land as an asset of community value ("ACV"). He also acted for Ealing London Borough Council successfully resisting an appeal against its listing of allotment land as an ACV. He has advised generally on ACVs and has appeared at review hearings.

In licensing law, Ned has made representations before local authority committees and has appeared in Magistrates' Court appeals – for operators in Islington and Tower Hamlets, for a number of local authorities and for local resident objectors. Ned acted pro bono for Lincoln's Inn obtaining an extension to its premises licence for the Great and Old Halls.

Compulsory Purchase and Compensation

Ned has acted at a number of compulsory purchase order inquiries, including on orders in Solihull and Enfield. He appeared with James Pereira QC for Hillingdon and the Canal and River Trust in the Southall Gas Works CPO inquiry.

Ned has advised on compensation matters, including as to CPO procedure and the quantum of damages for flood damage. He has considerable experience of the Upper Tribunal (Lands Chamber), including *Thomas (Deceased) v RCC* [2020] UKUT 6, *Fearon v Environment Agency* [2019] UKUT 97 (LC); [2019] RVR 274, *Palliser v Revenue and Customs Commissioners* [2018] UKUT 71 (LC), *Turnbull v Goodwyn School & Ors* [2016] UKUT 62 (LC) and *Chakravorty v Revenue and Customs Commissioners* [2014] UKUT 184 (LC). He has acted for Highways England (as they were previously known) in blight notice proceedings and Newham Council in proceedings for CPO compensation. Ned was successful counsel for the local authority in *Edem v Basingstoke and Deane BC* [2012] EWHC 2433 (Admin), a case on council tax exemptions. He has also appeared at the Valuation Tribunal for England.

Local Government

Property Law

There is an overlap in Ned's practice with discrete areas of property law, in particular nuisance, land covenants and easements. Ned not infrequently acts and advises on these issues. A notable case was acting for Sussex farmers in their claim for breach of covenant, easement and/or equitable estoppel for a blocked effluent pipe, the claim was settled at mediation in September 2017. Ned has also appeared at the in front of the Tribunal to the Land Registry and has dealt with boundary disputes in the Magistrates Court.

Awards & Education

- Winner, UKELA Lord Slynn of Hadley senior mooting competition (2009 and 2010), on both occasions before Carnwath LJ
 - Lord Denning Scholarship, Lincoln's Inn (2008)
 - LLM (environmental laws), University of London (2007)
 - DMH Stallard Prize for the best results on the Common Professional Examination (distinction) University of Sussex (2006)
 - BA Classics (first class degree), UCL (2004), recognised on the Dean's List
 - Brighton, Hove and Sussex VI Form College
 - Lewes Priory School
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Publications

- *Highway Law* (6th ed. June 2022, Sweet & Maxwell) (with Stephen Sauvain KC and Ruth Stockley)
- *Friends of the Earth: implications for planning law* J Env L 2021, 33(2), 455-459
- *Shell ruling pushes the boundary of climate law* ENDS 2021, 556, 50
- *Are indirect emissions a step too far for EIA?* ENDS 2021, 551, 42
- *Court clarifies rights under Aarhus cost rules* ENDS 2020, 545, 40
- *Privatisation is no bar to public accountability* ENDS 2020, 540, 46
- *Court dismisses bid to reduce £2m penalty* ENDS 2019, 535 42
- *Privacy ruling opens door to nuisance claims* ENDS 2019, 530 38
- *Public Participation in UK CCS Procedures* (with Meyric Lewis) chapter in *Carbon Capture and Storage: Emerging Legal and Regulatory Issues* (2nd ed. Hart Publishing 2018)
- *The History and Context of the SEA Directive* (with Robert McCracken KC) chapter in *Strategic Environmental Assessment Directive: A Plan for Success?* (Hart Publishing, 2017)
- *R (Champion) v North Norfolk District Council*, *Journal of Environmental Law* 2016 28 (3): 523-531
- *Dealing with "the domino effect"* SJ 2016, 160(3), 29
- *Coventry v Lawrence: nuisance redefined* Env L Rev 2014,16(3), 211-218
- *Judicial review: going the extra mile* SJ 2014, 158(4), 28

- *Likely significant effect on EU habitats: a quick update* Env Law 2013, 77, 18–19
- *The Ritz reformed? Costs in environmental and public interest cases* JR 2013, 18(4), 408–415
- *Why Central Craigavon was wrongly decided (and other problems with the incorporation of the Strategic Environmental Assessment Directive into domestic law)* (with Gregory Jones KC and Roger Watts) JPL 2013, 9, 1074–1088
- Case note on *Newhaven Port and Properties Ltd v East Sussex CC* in the Court of Appeal, RWLR 2013, May(15.3), 249–253
- *Room at the top? HS2 and the strategic environmental assessment of major infrastructure* (with Gregory Jones KC) SJ 2013, 157(17) Supp (Bar Focus), 18–19
- *Cattle grids: legal issues* RWLR 2013, Jan(4.1), 113–121
- *Private nuisance and statutory controls* Env L Rev 2012, 14(3), 224–223.
- Case note on *Newhaven Port and Properties Ltd v East Sussex CC*, RWLR 2012, May(15.3), 207–215
- *How to deal with candidate SACs and potential SPAs?* (with Gregory Jones KC) chapter in *The Habitats Directive* (Hart Publishing, 2012)
- *The year's hottest cases reviewed* (United Kingdom Environmental Law Association (UKELA) Conference 2011) published at ELM 2011, 23(4), 266–272
- Contributor to *The Law of Regulatory Enforcement and Sanctions* (Norris and Phillips eds.) (Oxford University Press, February 2011), the leading textbook on the Regulatory Enforcement and Sanctions Act 2008
- Chapter on public participation in UK CCS planning and consent procedures (with Meyric Lewis) in *Carbon Capture and Storage: Emerging Legal and Regulatory Issues* (Havercroft, Macrory and Stewart eds.) (Hart Publishing, July 2011)
- *Update: planning* SJ (2009) 153/47 25 (with Gregory Jones)
- Chapter on *UK implementation in The Aarhus Convention at Ten: Interactions and Tensions between Conventional International Law and EU Environmental Law* (Europa Law Publishing, November 2009) (with Prof. Richard Macrory)
- *Costs, Protective Costs and Environmental Cases: The Ongoing Saga* Env Law 52 (July 2009) 7
- *The new European Marine Strategy Directive* (legislative note) Env. L. Rev. 2008, 10(3), 218–224

Quotes

"Ned is a fantastic barrister. He is very in-depth in his knowledge and very well informed on how policy works and you can tell he knows his stuff. Very pragmatic and easy to work with."

Chambers and Partners, 2024

"A first-class advocate and down to earth. His understanding of complex planning and environmental issues across the piece is impressive."

Chambers and Partners, 2024

"Ned is a first-rate barrister. He is approachable, congenial, calm, resourceful, thorough, and persistent."

Legal 500, 2024

"He's bright, thorough, responsive and client-friendly."

Chambers and Partners, 2024

"Ned is professional, friendly and approachable. He can speak directly to the client in terms that the client understands, whilst also being able to argue technical legal points with his peers in court. He is able to

read the court and knows when to reinforce a point and when to leave it with the judge. He is never aggressive in his approach, especially when dealing with cross-examination of witnesses, but is always firm and makes his point."

Legal 500, 2024

"Ned Westaway is a very good, experienced practitioner and brings great expertise to Right of Way and Village Green work."

Chambers and Partners, 2024

"Ned is very astute and bright; an all-round great barrister."

Chambers and Partners, 2023

"He is extremely personable and down to earth."

Chambers and Partners, 2023

"He is always great at different levels of advocacy and is great on paper; he espouses his case with precision."

Chambers and Partners, 2023

"Ned is an excellent barrister and a hit with clients. He always provides very clear and sensible advice with a good grasp of both tactics and the overall strategy of cases."

Chambers and Partners, 2023

"Ned is a really technical lawyer and a safe pair of hands."

Chambers and Partners, 2023

"An extremely strong, fearless and persuasive advocate, he can distil complex issues to a single telling point."

The Legal 500, 2023

"Tenacious, highly focused, extremely sharp. He is extremely good with pressing his case and politely and firmly debating with the cream of the Planning judiciary. I would instruct him against in an instant, with absolutely no hesitation. Ned was highly impressive but was also measured in terms of the prospects - really had the confidence of the lay client which is so important. He is at the top of rank in terms of technical knowledge - the whole package."

The Legal 500, 2022

"Ned takes complex cases in his stride. He knows the law inside out, he is responsive and he gives good advice." "He is very thorough in his advice and easy to work with. He is collaborative and receptive to ideas."

Chambers and Partners, 2022

"He is great with clients and really easy to work with."

Chambers and Partners, 2022

"He is very good at discerning which way the judge is leaning and what to focus on so as not to waste time." "He is great with clients and really easy to work with."

Chambers and Partners, 2022

"His preparation is excellent and he has a tenacious manner. Ned has a frighteningly good brain and is frighteningly quick."

Chambers and Partners, 2021

"He's very hard-working and an extremely nice, affable guy who gives a realistic view." "He's fantastically bright and able to present an argument very clearly."

Chambers and Partners, 2021

"He gives clear advice, has an excellent grasp on detail and is very measured on his feet."

Chambers and Partners, 2021

"He is a polished advocate." "He is approachable, knowledgeable and genuinely interested in the work."

Chambers and Partners, 2020

"A fighter – he is very dogged and determined." "Ned very quickly grasps a point and knows the landscape of the law, but also the practical side."

Chambers and Partners, 2020

"He is technically very strong and very good in front of a court." "He was utterly dedicated from his first involvement and gets to grips with a mass of information quickly."

Chambers and Partners, 2020

"A real specialist, very bright and perceptive, his knowledge of the law is top-class and he will argue the case with vigour."

The Legal 500, 2020

"Always great at delivering, he has an inquiring mind that chases down every possible route."

The Legal 500, 2020

"He provides competent and clear advice, and is one to watch."

The Legal 500, 2017

"A brilliant, very modern barrister." "He's very good technically on planning and environment work."

Chambers and Partners, 2018

"He is enthusiastic, bright and gets to the point." "One of the best juniors in this area. He's always thought of a different angle to an issue that you haven't thought of."

Chambers and Partners, 2018

"His written work in complex cases puts him on a par with many KCs."

Chambers and Partners, 2018

"He is very bright and very articulate"; "Very responsive, hard-working and bright"; "particularly good on flooding matters."

Chambers and Partners, 2017

"He is extremely thorough and very good at picking out case law. His method of questioning and cross-examining is impressive, he's firm but fair."

Chambers and Partners, 2017

"Very bright indeed, very articulate and not afraid to go to court with a case that is out of the ordinary – he is very environmentally minded and has a good sense of the principles"; "Very reliable, personable and very good at what he does."

Chambers and Partners, 2017