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Merrow Golden



Year of call 2014

Merrow welcomes instructions to act individually or as a part of a team across all of Chambers' practice areas. Merrow joined Chambers in October 2017 having successfully completed her pupillage under the supervision of Suzanne Ornsby QC, Richard Honey and Melissa Murphy.

Merrow studied Social and Political Sciences at Cambridge before going on to study law. She has a First Class law degree from City Law School, London, and a masters degree from Columbia Law School, New York. Prior to starting her pupillage, Merrow worked as a Foreign Law Clerk for Justice Edwin Cameron at the Constitutional Court of South Africa.

Merrow's areas of interest include:

- Planning and Environment
- Public Law, Human Rights and EU
- Highways, Village Greens and Commons
- Infrastructure
- Local Government
- Compulsory Purchase and Compensation
- Licensing
- Education

Merrow is also happy to work on a pro bono basis in appropriate cases.

She has acted on behalf of local authorities, non-governmental organisations and private developers and is currently ranked as one of the highest rated planning juniors under 35 by Planning Magazine (2019).

Testimonials

"Ms Golden came highly recommended to us by another body and in future I will certainly be recommending her to others in turn. Her highly professional support, specialist knowledge and undaunted advocacy were utterly invaluable at all stages of a lengthy and frequently complex public inquiry." Local Authority Solicitor

Experience

Planning

Merrow has a broad planning law practice, having gained wide experience of planning matters during her pupillage.

During her second six, Merrow advised a developer on a number of planning considerations arising out of a housing development scheme in Somerset, providing written advice on the prospects of potential reserved matters applications and on the correct interpretation of a planning condition in an outline permission. Merrow further advised on the possible implementation of multiple, and overlapping permissions.

More recently, Merrow acted for the local planning authority at a s.78 inquiry regarding a scheme for over 300 dwellings.

Merrow has gained considerable experience in the law surrounding Certificates of Lawful Existing Use or Development. She advised on the merits of a proposed CLEUD application (which has since been successful), and assisted in advising three other clients in relation to CLEUD proceedings during her pupillage.

Merrow's further experience in planning law includes:

- Advising a local authority on the correct interpretation of a permission and its conditions in circumstances where the underlying planning documents conflict.
- Advising various parties on matters relating to viability, including the application of the Exceptional Circumstances Relief test under the CIL Regulations and the lawfulness of proposed viability reviews following the judgment in ***Mccarthy & Stone*** [2018] EWHC 1202.
- Advising on permitted development rights under the General Permitted Development Order 2015, in relation to the extension of a residential building.

Plan-making

Merrow has also had the opportunity to gain experience in local plan and neighbourhood plan-making processes. This experience includes:

- Assisting in advising local authorities in their preparation of local plan documents, including assessing evidence-based documents, and assisting in advising on the implementation of local-plan making procedures.
- Assisting both in advising a local authority on the neighbourhood plan-making process and in assessing the merits of an underlying sustainability appraisal.
- Assisting in drafting the summary grounds of resistance against a judicial review of a neighbourhood plan.
- Assisting in the review of draft neighbourhood plans prior to examination.

Enforcement

Merrow has assisted in advising on a variety of matters relating to enforcement appeals and the application of enforcement notices. She has assisted in advising a local authority on the merits of bringing a prosecution under the Planning (Listed Building and Conservation Areas) Act 1990.

Merrow has gained experience of the Proceeds of Crime Act 2002 and its application in relation to planning enforcement offences. She has acted for both a local authority and a defendant in confiscation proceedings in the Crown Court.

Environmental Law

Merrow is particularly interested in environmental law and environmental regulation.

Merrow acted as junior counsel for BBOWT in *R (Berks, Bucks & Oxon Wildlife Trust) v Secretary of State for Transport and Another* [2019] EWHC 1786 (Admin) ? a challenge to the Secretary of State?s decision to approve recommendations from Highways England, concerning the preferred corridor area for the Oxford to Cambridge Expressway, on the basis that the Secretary of State had unlawfully failed to carry out both (i) a Strategic Environmental Assessment and (ii) an appropriate assessment under the Habitats Directive.

Merrow represented Friends of the Earth Northern Ireland at a two-day hearing into the combined enforcement appeal proceedings and regionally significant planning application for the extraction, transportation and working of sand and gravel from Lough Neagh, Northern Ireland.

Merrow?s experience in environmental law also includes:

- Advising a local campaign group on the assessment of climate change impacts arising from a proposed extractive development and prospects for legal challenge.
- Advising on the scope of the section 28G duty in the Wildlife and Countryside Act 1981 when a proposed development within a SSSI falls to be assessed.
- Research work into matters of air quality law and the government?s Air Quality Plan

2017.

- Research work into legal updates surrounding environmental damage regulation and compensation.

Pro bono assistance to a local residents' group in relation to the potential environmental impacts of a proposed expanded waste facility.

Merrow has also lectured on environmental law as part of the KCL Centre of Construction Law & Dispute Resolution's MSc in Construction Law & Dispute Resolution (2019).

Infrastructure Projects and Transport and Works Act Schemes

Merrow has gained considerable experience of the Transport and Works Act procedure. She represented the Ramblers at the 11 week Inquiry into the Proposed Network Rail (Essex and Others Level Crossing Reduction) Order (October 2017 - February 2019) and the Inquiry into the Proposed Network Rail (Cambridgeshire Level Crossing Reduction) Order (November 2017 and February 2018).

Merrow represented Suffolk County Council and West Suffolk Councils at the 7 week Inquiry into the Proposed Network Rail (Suffolk Level Crossing Reduction) Order (February and May 2018).

She has previous experience of the TWA procedure having shadowed both Richard Honey and Melissa Murphy at TWA Inquiries during her pupillage.

Merrow has also gained experience of Development Consent Orders, including assisting in advising on the scope of statutory entry powers in relation to a highways DCO project.

Rights of Way and Highways

Merrow has also gained significant experience of rights of way law through her involvement in the Proposed Network Rail (Essex and Others Level Crossing Reduction) Order, the Proposed Network Rail (Cambridgeshire Level Crossing Reduction) Order and the Proposed Network Rail (Suffolk Level Crossing Reduction) Order.

She acted as junior counsel for Dorset County Council in response to a claim for judicial review against the decision to maintain an advisory one way routing system of HGV traffic. The claim was subsequently withdrawn. She has also advised a developer on the appropriate application of section 278 agreements to be entered into with the highways authority. She is regularly instructed to represent both councils and applicants at rights of way inquiries.

Local Government

During her pupillage, Merrow has assisted on a number of matters involving local government law. This includes:

- Advising on the lawfulness of changes to the local election scheduling
- Assisting in a judicial review against a local authority's exercise of its powers under

sections 1 and 4 of the Localism Act 2011.

- Assisting in preparing grounds of challenge against the decision of a local planning authority to exclude the public and press from a planning committee meeting and/or to refuse disclosure of a report to be discussed at that meeting.

Village Greens and Commons

Merrow has been involved in a variety of matters relating to the law on village greens and common land. Merrow's experience includes:

- Advising a local authority on when and how prescriptive rights of way may be acquired over land subject to public rights.
- Assisting in drafting the skeleton argument for an objector to a village green inquiry, addressing a number of procedural issues including the operation of "trigger events" under Schedule 1A of the Commons Act 2006.
- Assisting in advising registration authorities on the existence of implied powers both in relation to their dealings with village green applications and to orders to de-register and/or exchange common land.
- Assisting in advising on whether use by local residents of a particular piece of land has been "by right" as opposed to "as of right".

Compulsory Purchase and Compensation

Merrow has gained wide experience of CPO-related matters, which includes:

- Assisting in drafting a defence to a claim made under Part 1 of the Lands Compensation Act 1973.
- Research work into the powers of local authorities to CPO land outside of their area.
- Assisting in assessing the scope of a highway authority's CPO powers over Crown land.

She is currently instructed as junior counsel for the claimant in an appeal under section 18 of the Land Compensation Act 1961.

Licensing

Merrow welcomes instructions in all areas of licensing. She has appeared at the Crown Court in licensing-related matters and before a Licensing Sub-Committee in a licensing review hearing.

Merrow's experience of licensing includes assisting on matters involving premises licenses, hackney carriage licences and caravan sites. She has assisted in advising a local authority on the re-designation of an area as subject to selective licensing under the Housing Act 2004, including the procedural requirements that would apply.

Education

Merrow has represented an education authority in proceedings relating to a proposed change to an Education, Health and Care Plan. She has also assisted in research into

the current procedure governing school exclusions and when legal challenges may be appropriate.

Qualifications

- Columbia Law School, LLM (2014-2015)
 - City Law School, BPTC (Very Competent) (2013-2014)
 - City Law School, Graduate Entry LLB (First Class ? top of the year) (2011-2013)
 - St. John's College, University of Cambridge, BA(Hons) Social and Political Sciences (Second Class, Upper Division) (2007-2010)
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Scholarships and Awards

- Harlan Fiske Stone Scholar, Columbia Law School (2015)
 - Parker School Recognition of Achievement, Columbia Law School (2015)
 - McMahon Law Studentship, St. John's College, Cambridge (2013)
 - The City Lawyer Excellence Award, City Law School (2013)
 - The Honourable Society of the Inner Temple BPTC Exhibition Award (2013)
 - Allen & Overy Prize for International Economic Law (2013)
 - City Law School Home Student Scholarship (2012)
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Previous Experience

Prior to coming to the Bar, Merrow spent six months clerking for Justice Edwin Cameron at the Constitutional Court of South Africa, where she worked on a number of different cases dealing with complex matters of constitutional law and human rights.

During her studies, she interned for the Administrative Law Division of New York City's Law Department (2015), where she represented New York City agencies and was responsible for her own caseload. She also interned with the UK Mission to the United Nations in New York (2014), the Codification Division of the United Nations Office of Legal Affairs in New York (2012) and the United Nations Development Programme (2013-2014).

Merrow has worked on a pro bono basis for the Free Representation Unit and the Iraqi Refugee Assistance Project. In addition, she has worked as a volunteer case worker at Victim Support.

Professional Memberships

Merrow is a member of the following associations:

- Administrative Law Bar Association (ALBA)
- The Planning & Environmental Bar Association (PEBA)
- UK Environmental Law Association (UKELA)

Bar Admission: New York

Publications

Columbia Journal of Transnational Law, Vol 55, Number 2, 101 *?Could a Code of Conduct Work? The Prospects of the French Proposal Limiting the Veto on the United Nations Security Council?* (published 12 September 2017)

Interests

Merrow is a British/American who was born and raised in London with a strong connection to the North Cornish coast. She has a passion for travel and for experiencing different cultures (and cuisines!) but most of all she enjoys spending time with family and friends from all over the world.

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