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Conor Fegan



Year of call 2018

Conor joined Chambers in October 2019 following the successful completion of his pupillage in Chambers. He welcomes instructions to act across all of Chambers' practice areas. He acts for a wide range of clients including central and local government, utility companies, national interest groups and charities, and local residents.

Conor has particular experience in the following areas:

- planning and environmental;
- public law, human rights and EU law;
- local government;
- village greens and commons; advertisement consent;
- licensing and anti-social behaviour.

Notable examples of his recent and ongoing work include:

- acting as junior counsel for the successful claimant in a judicial review against the grant of planning permission for redevelopment consisting of a change of use from a health centre to a convenience store (*R (Patel) v Dacorum Borough Council* [2019] EWHC 2992 (Admin));
- acting as sole counsel on behalf of 'Save Warsash and the Western Wards', a local residents' group, successfully resisting an appeal against the refusal of planning permission for 100 residential units on habitats grounds related to increased nitrates in the Solent (APP/A1720/W/19/3225866);

- acting as sole counsel for an interested party developer to defend a judicial review against the grant of planning permission for a mixed-use, residential-led development in a World Heritage Site (*R (Walker) v Bath and North East Somerset Council* (CO/2072/2019));
- acting as sole counsel on behalf of the 'Alternative A5 Alliance' during the latest public inquiry into the A5 Western Transport Corridor in Northern Ireland, the largest road project in Northern Ireland at an estimated cost of £1 billion;
- acting as sole counsel for a local residents' group in a complex three-day enforcement hearing into a ground (a) appeal against an enforcement notice served in connection with an anaerobic digester located in the open countryside in Northern Ireland (2018/E0003);
- assisting Gregory Jones QC and Richard Honey in the Supreme Court in *Reference by the Attorney General for Northern Ireland of Devolution Issues to the Supreme Court Pursuant to Paragraph 34 of Schedule 10 to the Northern Ireland Act 1998 (No 2) (Northern Ireland)* [2019] UKSC 1.

A Northern Ireland native, Conor is keen to establish a planning and environmental practice in Northern Ireland. To see his experience in this area, please click on the 'Northern Ireland' section of his profile.

Practice Areas

Planning

Conor has developed a busy planning practice since joining Chambers, acting for a range of clients in both planning hearings and High Court proceedings. He has particular expertise in judicial review and statutory challenges. Recent experience in this area includes:

- acting as junior counsel for the successful claimant in a judicial review against the grant of planning permission for redevelopment consisting of a change of use from a health centre to a convenience store (*R (Patel) v Dacorum Borough Council* [2019] EWHC 2992 (Admin));
- acting as sole counsel for an interested party developer to defend a judicial review against the grant of planning permission for a mixed-use, residential-led development in a World Heritage Site (*R (Walker) v Bath and North East Somerset Council* (CO/2072/2019));
- acting as sole counsel to advise a parish council on the merits of participating in a statutory challenge brought under section 288 of the Town and Country Planning Act 1990 against the refusal of planning permission for sixty-eight dwellings;
- acting as sole counsel on behalf of a local planning authority to defend ongoing judicial review proceedings against the grant of planning permission for redevelopment consisting of a change of use from storage to office space.

He has also acted as a junior in a number of other cases, assisting in advising clients on

the prospects of success in such challenges and in drafting written submissions including statements of facts and grounds, summary and detailed grounds of defence, and skeleton arguments.

Conor also has experience of acting for clients in a range of planning hearings, including:

- acting as sole counsel for a local residents' group in a complex three-day enforcement hearing into a ground (a) appeal against an enforcement notice served in connection with an anaerobic digester located in the open countryside in Northern Ireland (2018/E0003);
- acting as sole counsel on behalf of 'Save Warsash and the Western Wards', a local residents' group, successfully resisting an appeal against the refusal of planning permission for 100 residential units on habitats grounds related to increased nitrates (APP/A1720/W/19/3225866);
- acting as sole counsel for a local planning authority in an appeal against the refusal of planning permission for twenty-one residential units on the Northern Ireland coast (2019/A0071);
- acting as sole counsel for a local planning authority in an ongoing enforcement appeal against an enforcement notice served in connection with an anaerobic digester located in the open countryside in Northern Ireland (2019/E0034);
- acting as sole counsel on behalf of the 'Alternative A5 Alliance' during the latest public inquiry into the A5 Western Transport Corridor in Northern Ireland, the largest road project in Northern Ireland at an estimated cost of £1 billion;
- acting as sole counsel on behalf of a developer in a forthcoming appeal against the refusal of planning permission for a residential dwelling in the New Forest National Park, raising issues under paragraph 79 of the NPPF (APP/B9506/W/19/3242767).

During his pupillage, Conor assisted Suzanne Ornsby QC and Alexander Greaves in a four-week inquiry concerning the non-determination of an application for outline planning permission for 370 homes in the countryside near Thornbury, South Gloucestershire (APP/00119/W/3189592). This appeal raised a number of complex issues including five-year housing land supply, the application of the tilted balance, prematurity, landscape and visual amenity, harm to designated and non-designated heritage assets, and transport.

In addition, Conor has experience of advising both in writing and in conference on a wide range of planning issues, including:

- challenges to reports by officers;
- certificates of lawful use or development;
- permitted development rights;
- enforcement and stop notices;
- the interpretation of planning policy;
- listed buildings and conservation areas;
- the interpretation and enforceability of planning conditions and obligations;
- section 106 obligations;
- assets of community value;
- the interpretation of planning permissions and fallback arguments.

Environmental

Conor has a particular interest in environmental law. Many of the cases which he has been involved in have raised issues under The Conservation of Habitats and Species Regulations 2017 and The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Conor has particular experience advising in both writing and in conference on the following issues, many of which have also arisen in cases in which he has been instructed to appear:

- screening assessments;
- appropriate assessments;
- mitigation and compensation measures;
- environmental impact assessments;
- strategic environmental impact assessments;
- shifting and uncertain environmental baselines;
- disputes over the correct environmental baseline;
- retrospective regularisation;
- Statutory nuisance.

His notable work in the environmental field includes:

- successfully securing the dismissal of planning permission for 100 residential units on habitats grounds related to increased nitrates in the Solent (APP/A1720/W/19/3225866);
- acting as sole counsel for a local residents' group in a complex three-day enforcement hearing into a ground (a) appeal against an enforcement notice served in connection with an anaerobic digester located in the open countryside in Northern Ireland which raised issues concerning the retrospective regularisation of EIA development, the identification of the correct environmental baseline and the robustness of the sHRA undertaken by the appellant (2018/E0003);
- acting as sole counsel on behalf of the 'Alternative A5 Alliance' during the latest public inquiry into the A5 Western Transport Corridor in Northern Ireland, which focused on the environmental impact assessment and included four days of hearings on 'environmental issues' ranging from air quality to cultural heritage;
- acting as junior counsel to Gregory Jones QC on behalf of Reading Borough Council to defend an appeal against an abatement notice served in respect of noise at Reading Train Care Depot brought by First Great Western Rail and Network Rail Infrastructure Limited.

Conor also has experience of applying for and resisting applications for costs capping orders under both the Aarhus Convention rules and the provisions of the Criminal Justice and Courts Act 2015 in cases raising environmental issues of wider public importance.

Public Law

Conor is experienced in public law matters. He is comfortable accepting instructions in

any area where public law principles are engaged and has particular experience of acting in judicial review proceedings which involve local government decision-making, which includes challenges to the grant of planning permission. He also has acted in a number of statutory challenges to planning decisions brought under section 288 of the Town and Country Planning Act 1990.

Conor has been instructed to provide advice to a range of public and private sector clients on public law issues such as:

- adequacy of consultation exercises;
- procedural fairness more generally;
- duty to give reasons;
- public sector equality duty;
- issues of vires;
- Human Rights Act 1998.

His notable work in the field of public law includes:

- acting as junior counsel for the successful claimant in a judicial review against the grant of planning permission for redevelopment consisting of a change of use from a health centre to a convenience store (*R (Patel) v Dacorum Borough Council* [2019] EWHC 2992 (Admin));
- acting as sole counsel for an interested party developer to defend a judicial review against the grant of planning permission for a mixed-use, residential-led development in a World Heritage Site (*R (Walker) v Bath and North East Somerset Council* (CO/2072/2019));
- advising a potential claimant on the grounds for challenging a proposal to relocate a local library, which raised issues under section 122 of the Local Government Act 1972, the Equality Act 2010 and the Human Rights Act 1998;
- acting as sole counsel to advise a parish council on the merits of participating in a statutory challenge brought under section 288 of the Town and Country Planning Act 1990 against the refusal of planning permission for sixty-eight dwellings;
- acting as sole counsel on behalf of a local planning authority to defend ongoing judicial review proceedings against the grant of planning permission for redevelopment consisting of a change of use from storage to office space.

Plan Making

Conor also has experience of the plan-making process, having attended numerous hearings and advised on various aspects of the process. His experience in this area includes:

- instructed on an ongoing basis as junior counsel to Gregory Jones QC advising a local planning authority in Northern Ireland on all aspects of the local development plan process;
- assisting in preparing arguments relating to the soundness of the methodology adopted for site allocations in an emerging local plan on behalf of an objector;
- assisting in drafting advices concerning the powers of local planning authorities during the plan-making process, including the power to modify or revoke a

submitted local plan during the examination process.

Advertisement Consent

Conor also has experience of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and of the interaction between these regulations and the planning system.

His experience includes:

- shadowing Douglas Edwards QC in the Court of Appeal during the hearing of **Putney Bridge Approach Ltd v The Secretary of State for Communities And Local Government & Anor** [2018] EWCA Civ 2268;
- assisting in drafting an advice on the scope of advertisement consent, which raised a number of complex issues including the interaction between the advertisement consent and planning regimes and the scope of the power to impose limitations and restrictions on an advertisement consent.

Village Greens and Commons

Conor gained significant experience of the law relating to village greens and commons during his pupillage. His experience in this area includes:

- assisting Philip Petchey in preparation for an inquiry into the deregistration of Blackbushe Airport under the Commons Act 2006. He also attended the inquiry and assisted Philip Petchey throughout (COM/3206697);
- assisting in drafting an advice on the applicability of the doctrines of cause of action estoppel and issue estoppel to repeat applications for registration under the Commons Act 2006;
- assisting in drafting an advice on the issue of overgrazing on common land and on the legal powers available to address this issue;
- assisting in advising on the legality of holding a large entertainment festival on common land.

Licensing and Anti-Social Behaviour

Conor has experience of a range of licensing regimes, including premises licensing under the Licensing Act 2003 and taxi licensing under the Local Government (Miscellaneous Provisions) Act 1976.

He has been instructed to appear before licensing subcommittees and has assisted in advising in writing on a number of complex legal questions arising under different licensing regimes. Notable experience in this area includes:

- acting as sole counsel for the Metropolitan Police before licensing subcommittees in applications for the review of premises licences following instances of violence;
- acting as a legal adviser for a licensing subcommittee dealing with an application for a new premises licence in a cumulative impact area;
- assisting in drafting an advice on the legality of operations undertaken by Uber in a

local authority area outside of London.

Conor has gained significant experience in applications for a wide range of civil orders in the Magistrates' Courts. He is frequently instructed by the Metropolitan Police to apply for closure orders, sexual risk orders and sexual harm prevention orders. He also has experience of applications made under the Proceeds of Crime Act 2002.

Local Government

Conor frequently advises local authorities on public law matters, in particular matters arising in the planning and environmental fields. He has advised local authorities on matters as varied as the imposition of parking charges, the investigation of allegations of corruption made by elected members against senior officers, the investigation of complaints under internal complaints procedures, a number of complex highways related matters and general issues of vires.

Conor has also advised a range of clients about the prospects of challenging decisions made by local authorities in a range of different contexts.

Compulsory Purchase and Compensation

Conor also has experience of the law relating to compulsory purchase and compensation, in particular the human rights implications of the compulsory purchase of land. His experience includes:

- assisting with research in response to a challenge to a compulsory purchase order which was brought principally on human rights grounds;
- assisting in advising on the human rights implications of overriding rights to light under section 203 of the Housing and Planning Act 2016;
- assisting in advising on the compensation payable under the HS2 Express Purchase Scheme;
- acting as sole counsel on behalf of the 'Alternative A5 Alliance' during the latest public inquiry into the A5 Western Transport Corridor in Northern Ireland, which involved several sessions on the need for the scheme, the justification for the scheme, alternatives to the scheme and the human rights implications of the scheme, in the context of proposals to vest approximately 1,200 acres of land.

Northern Ireland

Conor has developed a busy planning and environmental law practice in Northern Ireland. He is familiar with the legal and policy context in Northern Ireland, in particular the Planning Act (Northern Ireland 2011). He frequently appears before the Planning Appeals Commission for a range of clients. He has also provided advice in writing and in consultation to numerous local authorities on a range of planning, environmental and local government issues.

An overview of his recent experience in Northern Ireland includes:

- instructed on an ongoing basis as junior counsel to Gregory Jones QC advising a

local planning authority in Northern Ireland on all aspects of the local development plan process;

- acting as sole counsel on behalf of the 'Alternative A5 Alliance' during the latest public inquiry into the A5 Western Transport Corridor in Northern Ireland, the largest road project in Northern Ireland at an estimated cost of £1 billion;
- acting as sole counsel for a local planning authority in an appeal against the refusal of planning permission for twenty-one residential units on the Northern Ireland coast (2019/A0071);
- acting as sole counsel for a local planning authority in an ongoing enforcement appeal against an enforcement notice served in connection with an anaerobic digester located in the open countryside in Northern Ireland (2019/E0034);
- acting as sole counsel for a local residents' group in a complex three-day enforcement hearing into a ground (a) appeal against an enforcement notice served in connection with an anaerobic digester located in the open countryside in Northern Ireland (2018/E0003);
- acting as junior counsel to Richard Honey to draft representations and to provide advice on objecting to a number of major infrastructure projects, including the A5 Western Transport Corridor, the A6 Dualling Scheme and Lough Neagh Sand Dredging.
- assisting Gregory Jones QC and Richard Honey in the Supreme Court in *Reference by the Attorney General for Northern Ireland of Devolution Issues to the Supreme Court Pursuant to Paragraph 34 of Schedule 10 to the Northern Ireland Act 1998 (No 2) (Northern Ireland)* [2019] UKSC 1.

Conor has not been called to the Bar of Northern Ireland and so is unable to accept instructions to appear before any court in Northern Ireland.

Qualifications

- Durham University, Law (First Class Honours / Top 1% of Cohort) (2014 - 2017)
 - BPP University Law School, Bar Professional Training Course (Outstanding) (2017 - 2018)
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Scholarships, Awards and Other Experience

Bar Awards & Scholarships

- Prince of Wales Scholar (Gray's Inn) (2017)
- Excellence Scholarship (BPP University Law School) (2017)
- Michael Sherrard Access to the Bar Award (Middle Temple) (2016)

University Awards & Scholarship (Durham University)

- Academic Commendation (x 3) (Durham Law School) (2014 - 2017)
- Sullivan & Cromwell Award for Performance in Second Year Examinations (Durham Law School) (2016)
- Advanced Issues in Public Law Award (Durham Law School) (2016)
- Land Law Award (Durham Law School) (2016)

Secondary School Awards & Scholarships (St Colman's College, Newry)

- All-Ireland Scholarship (JP McManus) (2017)
- Gradam an Uachtaráin - President's Cup (St Colman's College) (2017)

Other Experience

Conor won a number of debating and mooting competitions throughout his time at school and university. He also served as President of Durham University Mooting Society in his final year at Durham University. He has also lectured on the MSc in Construction Law and Dispute Resolution at King's College London on 'Environmental Law in Construction'. He regularly delivers lectures to clients on planning and environmental law issues.

Publications

- 'Judicial Review in Planning and Environmental Cases in Northern Ireland ? A Guide for Litigants in Person? [2019] (with Monye Anyadike-Danes QC, Richard Honey BL and Anurag Deb)
- 'The (Underutilised) Role of Mediation in Licensing' (with Jeremy Phillips QC) [2019] Journal of Licensing
- 'Supreme Court Adjourns Devolution issues Reference (Attorney General for Northern Ireland's Reference of Devolution Issues to the Supreme Court pursuant to Paragraph 34 of Schedule 10 to the Northern Ireland Act 1998 (No 2) (Northern Ireland)' (with Gregory Jones QC & Richard Honey) [2019] Lexis PSL Public Law Analysis
- 'Case Comment: Attorney General for Northern Ireland & The Department for Justice v The Northern Ireland Human Rights Commission [2017] NICA 42' [2017] YHLR 20

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Professional Memberships

- Administrative Law Bar Association (ALBA)
- Planning and Environment Bar Association (PEBA)

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