



Francis Taylor Building
Inner Temple
London EC4Y 7BY

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DX: 402 LDE

T: 020 7353 8415 F: 020 7353 7622
E: clerks@ftbchambers.co.uk W: www.ftbchambers.co.uk

Jonathan Welch



Year of call 2019

Jonathan joined Chambers in October 2020 following the successful completion of his pupillage in Chambers, under the supervision of Melissa Murphy, Mark Westmoreland Smith and Hugh Flanagan. He welcomes instructions to act across all of Chambers' practice areas.

Before undertaking pupillage at FTB, Jonathan spent a year as judicial assistant to Lindblom L.J. in the Court of Appeal.

Jonathan has particular experience in the following areas:

- planning and environment
- compulsory purchase and compensation
- rating and valuation
- public and human rights law
- rights of way and highways
- licensing
- information law
- public order and anti-social behaviour law

Jonathan's recent work has included acting as sole counsel in a 9-day highways inquiry for a statutory objector; assisting with a s.288 challenge of an inspector decision; advising on pre-action correspondence in relation to a local authority scheme of delegation.

Jonathan is planning editor of the Property Law UK journal.

In appropriate cases, Jonathan is happy to work on a pro-bono basis.

Privacy Notice

Experience

Jonathan has gained experience across a range of issues including in relation to:

Planning

- Adequacy of Officer Reports;
- Lawfulness of developer contributions;
- Amendments under sections 73 and 96A of the TCPA 1990 in the light of Finney;
- Lawfulness of planning conditions;
- Scope of delegation by planning committee to officers;
- Duty to Co-operate;
- Planning conditions and competition law;
- Enforcement procedure;
- Judicial and statutory review;
- Statutory appeals;
- Interpretation of policy;
- Restrictive covenants and planning;
- Local plan representations relating to deliverability;
- Enforcement and certificates of lawfulness;
- Neighbourhood planning and local government reorganisation;
- Prior approval and permitted development rights;
- Local authority regeneration and appropriation powers;
- Housing land supply.

Environmental

- Emissions Trading Scheme;
- Assessment of alternatives under EIA Regulations;
- Costs in environmental litigation;
- Energy policy and climate change considerations in DCO context;
- Ecology ? protection of ancient habitats;
- The Green Deal.

Infrastructure, Compulsory Purchase and Compensation

- Requirement to consider alternatives to compulsory purchase under a DCO;
- Road widening scheme ? Assessment of benefits and justification for extent of land

take;

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Wayleaves ? Calculation and nature of compensation payments;

- Safeguarding directions;
- Electronic Communications Code wayleave agreements;
- HS2 Schedule 17 applications;
- Limitation and temporary possession issues.

Rating/Council Tax

- Interpretation of Material Day Regulations;
- Advertising Hereditaments;
- Schedule 5 exemptions;
- Scope of proposal and jurisdiction of VTE;
- Valuation: contractors method ? appropriateness of substitutions;
- Identification and nature of hereditaments in property guardianship;
- Unoccupied rates and exemptions.

Public and Human Rights Law

- Prison law and human rights ? right to an oral hearing by CART tribunal;
- Duty of candour in judicial review;
- Enforcement proceedings and human rights;
- Local government powers ? Extent of devolved powers, and local government reorganisation;
- Issues arising in the settlement of judicial review proceedings.

Highways, Rights of Way and Commons

- Stopping up orders;
- Rail crossing extinguishment orders;
- Compensation under the Highways Act;
- Town and Village Green registration and deregistration, specifically in relation to local authority powers of appropriation for planning purposes.

Information law

- Interaction between legal privilege and rights of access to information under the FOI and EIR regimes.

Public order and anti-social behaviour law

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Lawfulness of public order conditions ? human rights & proportionality

Licensing

- Summary review proceedings relating to coronavirus restriction breaches.
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Qualifications

- King's College London, Theology BA (First Class Honours, top of year) (2015);
 - King's College London, Theology MA (Distinction, top of year) (2016);
 - City University London, Graduate Diploma in Law (Commendation) (2017);
 - BPP University Law School, Bar Professional Training Course (Very Competent) (2019).
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Scholarships & Awards

Bar Awards & Scholarships

- Excellence Scholarship, BPP University (2018)
- Advocacy Scholarship, BPP University (2018)
- Denning Scholarship, Lincoln's Inn (2018)
- Lord Haldane Scholarship, Lincoln's Inn (2016)
- Partial Fee Scholarship, City University (2016)

University Awards & Scholarships

- Hanson Prize for the Philosophy of Religion (MA) (2016)
 - Relton Prize for Christian Doctrine (MA) (2016)
 - Walton Scholarship for postgraduate study, King's College London (2015)
 - Sellers Prize for Christian Theology (2015)
 - Hanson Prize for Philosophy of Religion (2015)
 - Mascall Prize for Christian Doctrine (2015)
 - Bishop Collins Memorial Prize for Church History (2015)
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Other Experience

Jonathan won a number of mooting competitions during his studies, including the UKELA national mooting competition (2017); The 9-12 Bell Yard inter-varsity criminal law moot (2016); the KCL Bar Society/Wildy & Sons contract law mooting competition (2015).

Previous Experience

Previously, Jonathan was a planning caseworker at Southwark Law Centre, where he provided advice and representation to members of the local community in relation to planning and regeneration matters.

Before undertaking pupillage at FTB, Jonathan spent a year as judicial assistant to Lindblom L.J. in the Court of Appeal, during which time he gained experience in a variety of fields including:

- Planning and environment (Green Belt policy; Neighbourhood Development Plans procedure; Enforcement procedure and human rights; Housing Need; Consistency of Inspector's decisions; CIL Regulations; Housing land supply; Scope of heritage asset setting; Duty to give reasons);
- Rating/Valuation (Hereditaments ? occupation);
- Village Greens (Statutory Incompatibility);
- EU Public Procurement (Development agreements and VEAT notices);
- Highways (Stopping up orders and planning conditions);
- Public Law (Consultation duties);
- Civil Procedure (re-opening of final appeals; costs in the Upper Tribunal (Lands Chamber));
- Immigration;
- Property law (service charges);
- Coronial/Inquest law (threshold for fresh inquest).

Prior to coming to the Bar, Jonathan worked for a political communications and campaigns consultancy.

Professional Memberships

- Planning and Environmental Bar Association
 - Compulsory Purchase Association
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