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Hereward Phillpot QC

Practice Profile



QC 2015

Year of call 1997

Hereward Phillpot QC took silk in 2015, and has rapidly become recognised as one of the foremost practitioners at the planning and environmental bar. Chambers and Partners and the Planning Law Survey both rank him as one of the top ten highest rated planning silks overall and the Planning Law Survey also ranks him as the second highest rated silk for infrastructure work.

As a junior, the Chambers and Partners guide consistently rated Hereward as a 'Star Individual' junior in the field of planning, including him in the Chambers 100 UK Bar List of the top juniors, and naming him 'Junior Barrister of the Year' in environment and planning. Before taking silk, Hereward was a member of the Attorney General's 'A' Panel of Junior Counsel, having previously served on both the 'B' and 'C' Panels.

Hereward specialises in planning and environmental law, judicial review and statutory challenge. Regularly appearing in public inquiries, hearings into Nationally Significant Infrastructure Projects, and the higher Courts, he acts on behalf of the Government, developers, local planning authorities and third parties. He has particular expertise and experience in dealing with Nationally Significant Infrastructure Projects (including energy generation and transmission, waste water, carbon capture and storage, and transport schemes) and other major strategic developments such as airports, sustainable urban extensions, large housing and employment schemes, and in Administrative Court litigation.

Testimonials

"He's very well organised, thoroughly prepared, and his advocacy is very calm and authoritative." "A very strong technical lawyer." Chambers and Partners 2020

"Enviably good when it comes to development consent orders." Legal 500 2020

"A tremendous lawyer - he will be Lord Chief Justice before he's finished." Chambers and Partners 2019

'True expert on energy and DCOs, capable of thinking big without losing sight of the detail.' Legal 500, 2018

"Incredibly diligent and meticulously well prepared, he impresses with his quiet, authoritative manner and the quality of his work." Chambers and Partners, 2018

"He has an excellent technical brain and forensically analyses the points and issues in a case. Very good at identifying problems and crafting a commercial, practical solution to get around them, he's one of the top infrastructure lawyers at the Bar." Chambers and Partners 2018

"A very able advocate, and also bright, courteous, and persuasive." Legal 500, 2017

"He is succinct, clear and pragmatic. He focuses on solutions. He is cool and calm at all times and has a wonderfully reassuring manner during periods of high stress for clients."
Chambers and Partners, 2017

"One of the brightest planning silks around". Planning Law Survey 2017

"An outstanding young silk; he prepares assiduously and has a polite but robust style of advocacy." Legal 500, 2016

Experience

Infrastructure

Hereward has very extensive experience of successfully promoting and resisting a wide range of infrastructure projects under the Planning Act 2008, the Transport and Works Act 1992 and the Harbours Act 1964 and in Parliament.

Energy

- Promoting EDF's new nuclear power station at Hinkley Point C in Somerset
- Promoting EDF's new nuclear power station at Sizewell C in Suffolk
- Promoting CGN and EDF's new nuclear power station at Bradwell-on-Sea in Essex
- Promoting NuGen's new nuclear power station at Moorside in West Cumbria
- Promoting the East Anglia One Offshore Windfarm
- Promoting the Navitus Bay Offshore Windfarm
- Promoting the National Grid Hinkley Point C grid connection
- Promoting the National Grid Humber Carbon Capture and Storage scheme
- Objecting to the Galloper Offshore Windfarm on behalf of EDF
- Advising DECC on the National Policy Statements for Energy
- Objecting to the National Grid Richborough Connection Project, on behalf of South East Water
- Advising promoters on a range of energy storage schemes, and small scale generating stations

Water and wastewater

- Promoting the Thames Tideway Tunnel on behalf of Thames Water
- Promoting the River Thames (Datchett to Teddington) Scheme on behalf of the Environment Agency
- Objecting to the Eccles Wastewater Treatment Works CPO on behalf of the Manchester Ship Canal Company Limited

Airports

- Promoting the expansion of Stansted Airport
- Promoting the expansion of Heathrow Airport
- Objecting to the CPO for the expansion of London City Airport
- Advsing Cambridge Airport

Rail

- Promoting the Rail Central new Strategic Rail Freight Interchange
- Objecting to the Northampton Gateway new Strategic Fail Freight Interchange
- Objecting to HS2
- Objecting to Crossrail
- Objecting to Thameslink 2000
- Objecting to the redevelopment of Camden Town Underground Station
- Advising on the West Midlands Gateway new Strategic Rail Freight Interchange
- Promoting a compulsory purchase order for the redevelopment of Coventry Rail Station and Bus Interchange

Roads and Bridges

- Promoting the Upper Orwell Crossings on behalf of Suffolk County Council

Harbours

- Promoting the Hinkley Point C Harbour Empowerment Order

Commercial

- Promoting the Paramount London Entertainment Resort

Changes to DCOs

- Successfully promoting post-consent changes to DCOs

Planning and environmental

Hereward has very considerable experience in promoting and resisting a wide range of development proposals, and advising on all aspects of planning and environmental law.

Major developments

- Representing Heathrow Airport Limited at the public inquiry into the development required to end the 'Cranford Agreement'.
- Numerous public inquiries on behalf of developers, local planning authorities and third parties in relation to major development schemes promoted under the Town and Country Planning Act 1990.
- This has included many 'urban extension' schemes between 900 to 3,000 homes

together with significant employment, retail and other development.

Housing developments

- Extensive experience of promoting and resisting housing development, including single replacement dwellings of exceptional architectural merit, conversion of various listed buildings to residential use, 'backland' development and outline schemes for hundreds of new homes on greenfield sites.
- Extensive experience of neighbourhood planning issues related to housing development, both for developers and authorities.
- Extensive experience of Administrative Court litigation on housing development and policy issues.

Retail and employment developments

- Promoting and resisting a number of retail and employment developments including new supermarkets in existing high streets and proposed new centres, large out of centre retail developments including designer outlet shopping centres, and strategic employment sites.

Energy developments

- Promoting schemes for onshore production of oil and gas
- Promoting small scale generating stations

Listed buildings, conservation areas and scheduled ancient monuments

- Promoting and resisting a number of schemes involving the proposed change of use of a wide range of listed buildings.
- Extensive experience of development proposals affecting the setting of listed buildings and scheduled ancient monuments, and within conservation areas.

Plan-making

- Promoting the joint Oxfordshire Plan
- Promoting and objecting to a range of local development plans
- Judicial Review and Injunctive proceedings in relation to neighbourhood plans (R (Gladman Developments) v. Aylesbury Vale DC (CO/3104/2014)); R (Legard) v. Royal Borough of Kensington and Chelsea (CO/399/2016)

Habitats Directive schemes

- Promoting the creation of an extensive new area of replacement inter-tidal habitat pursuant to the Habitats Directive.

Enforcement

- Numerous enforcement inquiries on behalf of developers and local planning authorities including development of airfields, a wide variety of changes of use, creation of new dwellings etc.

Other

- Promoting the pedestrianisation of Oxford Street on behalf of Westminster City Council.

Administrative law

Hereward regularly appears in the Administrative Court and Court of Appeal, with a particular emphasis on challenging and defending decisions of both central and local government relating to planning policy and development control decisions. He has also appeared in the Supreme Court on behalf of the Government in relation to the interpretation of the National Planning Policy Framework. Before taking silk, he was a member of the Attorney General's 'A' panel of counsel, having previously served on the 'B' and 'C' panels.

Notable cases include:

- *Jelson Ltd. v. Secretary of State for Communities and Local Government* [2018] EWCA Civ 24
- *R (Legard) v Royal Borough of Kensington and Chelsea* [2018] EWHC 32 (Admin)
- *Suffolk Coastal DC v Hopkins Homes & SSCLG* [2017] 1 WLR 1865; [2017] UKSC 37; [2016] EWCA Civ 168
- *R (Hawksworth Securities Plc) v. Peterborough City Council* [2016] EWHC 1870 (Admin)
- *Edward Ware Homes Ltd v SSCLG* [2016] EWHC 103 (Admin)
- *R (Gladman Developments Limited) v. Aylesbury Vale District Council* [2014] EWHC 4323 (Admin)
- *R (An Taisce) v. (1) Secretary of State for Energy and Climate Change (2) NNB Generation Company Ltd* [2014] EWCA Civ 111; [2015] Env. L.R.,2
- *IM Properties Development Ltd. v. Lichfield DC* [2014] EWHC 2440 (Admin); [2014] P.T.S.R. 1484
- *Taylor Wimpey (West London) Ltd. v. Secretary of State for Communities and Local Government* [2014] EWHC 2082 (Admin)
- *R (Gazelle Properties Ltd) v. Secretary of State for Communities and Local Government* [2014] EWHC 93 (Admin)
- *Lambrou v. Secretary of State for Communities and Local Government* [2014] JPL 538
- *R (An Taisce) v. (1) Secretary of State for Energy and Climate Change (2) NNB Generation Company Ltd* [2013] EWHC 4161 (Admin)
- *Stevens v. Secretary of State for Communities and Local Government* [2013] JPL 1383
- *Smith v. SSCLG* [2012] JPL 975
- *Helioslough Ltd v. SSCLG* [2011] EWHC 2054 (Admin)
- *Britannia Assets (UK) Ltd v. SSCLG* [2011] EWHC 1908 (Admin)
- *Morbaine Ltd. v. (1) Secretary of State (2) Aylesbury Vale DC* [2011] EWHC 681 (Admin)
- *Simpson v. Secretary of State* [2011] EWHC 283 (Admin)
- *Bella Vista Restaurant Ltd. v. Secretary of State* [2011] EWHC 510 (Admin)

- *Leeds CC v. (1) Secretary of State (2) Libra Demolition Ltd* [2010] EWHC 1412; [2010] JPL 1468
- *R (Byfield) v. Hackney BC* [2009] EWHC 2399 (Admin)
- *David Morris v. (1) Secretary of State (2) LB Haringey (3) Presentation Housing Association* [2009] EWHC 1656 (Admin)
- *R (Fladgate Fielder LLP) v. (1) WCC (2) Land Securities* [2009] EWHC 991 (Admin)
- *St Edmundsbury BC v. Secretary of State* [2009] JPL 434
- *Fewings v. Secretary of State* [2009] JPL 433
- *R (London & Stamford Investments Ltd) v. (1) Stoke on Trent CC (2) Prologis Ltd* [2008] EWHC 2746 (Admin)
- *Hillingdon LBC v. (1) Secretary of State (2) Autodex Ltd.* [2008] JPL 1486
- *Ensign Group Ltd. v. Secretary of State* [2007] JPL 141
- *Takeley PC v. (1) BAA (2) STAL (3) Secretary of State* [2007] JPL 126
- *Searle v. Secretary of State* (2007) JPL 656
- *R (Candlish) v. Hastings BC* [2006] JPL 22
- *R (Port Regis School Ltd.) v. North Dorset DC* [2006] JPL 1695
- *R (Hart Aggregates Ltd) v. Hartlepool BC* [2005] JPL 1602
- *R (Alconbury Developments Ltd) v. Secretary of State* [2001] 2 WLR 1389

Land valuation

Hereward has appeared in a number of compulsory purchase compensation cases, most notably *RMC (UK) Ltd. v. LB Greenwich* [2005] R.V.R. 140 and *Yorkshire Traction Co. Ltd. v. South Yorkshire Passenger Transport Executive* [2003] R.V.R. 67. He has advised the Highways Agency on a variety of compensation matters arising from new road schemes, and is a member of the panel of counsel dealing with the compensation claims arising from the Crossrail scheme.

Qualifications & Appointments

- BA (Hons) History (First Class) - University of York
 - Diploma in Law (CPE) - City University
 - Postgraduate Diploma EC Law - King's College, London
 - Gray's Inn Prince of Wales Scholar
 - Prior to taking silk, Hereward was a member of the Attorney General's 'A' Panel of Counsel
 - Queen's Counsel (2015)
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Publications

- Assistant editor *National Infrastructure Planning Service* published by Bloomsbury Professional

- "When He Who Hesitates is Lost: Judicial Review of Planning Permissions" [2000]
JPL 564
- "Judicial Review: Some Practical Guidance for Local Planning Authorities" [2008]
JPL 1551

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