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## Juan Lopez

### Practice Profile



Year of call 2002

Juan acts in all areas of town and country planning and specialises in housing infrastructure projects, rural, minerals and waste (encompassing waste management (hazardous/other), licensing and transfer regulation). He regularly works with landowners and other promoters, and major infrastructure bodies in addition to local authorities. He is also one of the few practitioners to regularly combine an expertise in highway matters with property, planning and major infrastructure, environmental law. He also advises extensively in areas including all rights of way matters, railway law, drainage and repair liability claims and other civil actions, railway land, wayleaves, and the promotion of contentious highway infrastructure. Juan has particular experience in judicial review and statutory challenges in these and other public law areas. Juan is regularly ranked in the Junior section of Planning Magazine, further to having previously been ranked first of all planning barristers for Planning Court appearances [Planning Magazine Survey], Chambers & Partners & The Legal 500.

Appearing in the higher courts, at inquiries and hearings as well as before other tribunals, Juan regularly acts on behalf of developers and promoters, local authorities and interested parties.

### Testimonials

"Commercially aware and prompt with advice." Legal 500, 2016

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"Accessible and tenacious" practitioner "who has achieved some spectacular results" and who is "not afraid to put his hard hat on when going into battle" The Legal 500

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"A very confident and clear advocate, with a relaxed and direct style" Chambers and Partners, 2015

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"Extremely professional and diligent" Chambers and Partners, 2015

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## **Experience**

### **TOWN AND COUNTRY PLANNING**

Juan acts on major planning projects including retail, housing, industrial, leisure, rural and mineral and waste planning.

Instructions include:

- Shell Centre, South Bank: call-in application for mixed use scheme comprising part demolition of Shell Centre to enable the development of 8 buildings (of 5 to 37 storeys) for office, residential, retail and community/leisure uses, including consideration of the development on the historic environment including the impact on the Westminster World Heritage Site.
- Network Rail infrastructure
- Renewables: promoting onshore schemes in Cambridgeshire and Cornwall (and advising on related statutory challenges); resisting multiple sites in Northants
- Housing: call-in scheme for 800+ homes and associated infrastructure in South Gloucestershire; call-in parallel schemes for large scale residential development in the Green Belt and the redevelopment of AONB land for housing in Essex
- Retail: lawful use appeals concerning unrestricted retail use and the amalgamation of planning units; resisting superstore development near Bromley
- Planning obligations/affordable housing: acting for Allied Irish Bank (UK) on releasing affordable housing obligations and offset payments; advising on the discharge of affordable housing conditions by unilateral undertaking
- Heritage: advising on the use of land adjacent to Grade I Kensington Palace and Gardens, Burberry Building SW1, Mayfair Conservation Area W1 development, the redevelopment of Grade II\* Darsham Hall, Hampstead Garden Suburb development

- Special Protection Area/Special Area of Conservation development (SANGS and SAMMS)
- Leisure: promoting the Longine Global Champions Tour equestrian tournament (London)
- Advertising control: A40 (W3/W12) advertisement removal notice project (comprising 40+ removal notices)
- CIL Regulations
- Neighbourhood plan making

Juan has considerable experience of planning enforcement and (final and interlocutory) injunction and contempt proceedings, acting for both applicants and defendants. Juan is particularly experienced in both prosecuting and defending matters (in both the Crown Court and Magistrates' Court) brought in respect of unauthorised development (including demolition), including GI and GII listed buildings and conservation area contraventions. Juan is often instructed from inception, advising on enforcement scoping, enforcement irregularities, disclosure and abuse of process, etc., consequential orders (including demolition; entry onto land, etc.) and high-value POCA liability arising from derivative revenues.

## **INFRASTRUCTURE**

Juan is instructed in respect of a wide range of infrastructure development projects, including proposals under the Transport and Works Act. He has advised in the context of multiple NSIPs. Other infrastructure work includes wind energy schemes, promoting in Cambridgeshire and Cornwall and resisting in Northants.

Instructions include:

- Network Rail
- Anglian Water Services
- Thames Water
- Willi Betz GmbH & Co

## **HIGHWAYS AND PUBLIC RIGHTS OF WAY**

Juan is a specialist practitioner in highway law. He advises extensively in areas including all rights of way matters, drainage and repair liability claims and other civil actions, railway land, wayleaves, and the promotion of contentious highway infrastructure. He regularly works with major infrastructure bodies, landowners and other promoters, in addition to public authorities. He is one of the few practitioners to regularly combine an expertise in highway matters with property, planning and major infrastructure, environmental law, and railway law. Juan has particular experience in judicial review and statutory challenges in these and other areas. Juan is regularly ranked in the Junior section of Planning Magazine, further to having previously been ranked first of all planning barristers for Planning Court appearances [Planning Magazine Survey 2015]: Chambers & Partners & The Legal 500.

## **COMPULSORY PURCHASE, COMPENSATION, LAND VALUATION AND RATING**

Juan has significant experience in promoting and resisting CPOs. He is experienced in

land valuation and regularly advises both claimants and acquiring authorities. His compensation work has included consideration of a broad range of issues including planning assumptions, injurious affection, business losses, Pointe Gourde, betterment and costs.

Instructions include:

- A50 Growth Corridor (Uttoxeter) CPO 2014
- HS2: advising landowners on compensation
- *London Borough of Southwark v Kingpin Ltd*, Vumpine (University of Manchester) v Secretary of State and Land at Bethnal Green Road: resisting inclusion of residential order property (planning assumptions relevant to valuation and ransom land)
- Multiple ransom valuation claims, including enhanced value
- Blight notices: CPO and compensation
- Town regeneration: CPO and compensation
- Wayleaves claims
- CPO (judicial review): liability in costs following service of discontinuance notice under CPR r. 38.3 (*Mount Cook Land Ltd. v Westminster City Council principle*)
- *Departure Foundation v London Borough of Hounslow*: charitable rates relief
- Land at The Wireworks, London SE1: considering *Secerno Ltd, Sportsworld Ltd & Xou Solutions Ltd v Oxford Magistrates' Court & Another* [2011] EWHC 1009 (Admin) and Regulation 42 of the Non-domestic Rating (Alteration of Lists and Appeals) (England) Regulations for liability assessment
- *Alamin v Sevket*: appeal against finding of non-compliance with section 214 Housing Act 2004 (residential occupation under an assured shorthold tenancy); jurisdictional competence, applying *Draycott v Hannells Letting Ltd* [2010] EWHC 217

## LOCAL PLANS

South Cambridgeshire Local Plan Examination (2014/15)

Generally advising local authorities and objectors

## ADMINISTRATIVE AND PUBLIC LAW

Juan is one of the most experienced planning juniors in the field of judicial review and statutory challenge. He was ranked first of all planning barristers in the Planning Magazine Survey 2015 for Planning Court appearances. His instructions frequently include claims incorporating discussion of EU law, Aarhus and protective costs orders.

Cases include:

- *Mordue v Secretary of State for Communities and Local Government* [2015] EWHC 539 (Admin): section 66 Planning (Listed Buildings and Conservation Areas) Act 1990
- *Wood v Secretary of State for Communities and Local Government* [2015] EWCA Civ 195: Green belt development
- *Kendall v Rochford District Council* [2014] EWHC 3866 (Admin): SEA Directive and

Regulations compliance

- *R (on the application of Save Britain's Heritage) v Gateshead MBC* [2014] EWHC 896 (Admin): 'demolition' for the purposes of EIA development under the EIA Directive and Regulations (following on from the series of [2010] cases)
  - *R (on the application of Gibson) v Mid Sussex DC* [2014] EWHC 1296: alternative sites assessment
  - *South Northamptonshire Council v Secretary of State for Communities and Local Government* [2013] EWHC 11 (Admin): 'due priority' to the development plan in decision-making; national and regional need for renewable energy
  - *Lambrou v Secretary of State for Communities and Local Government* [2013]: scope of 'second-bite' enforcement under section 171B Town and Country Planning Act 1990
  - *Cogent LLP v Rochford District Council* [2012] EWHC 2542 (Admin): SEA challenge to Core Strategy housing policies (selection of alternatives for general housing locations; comparative assessment of location alternatives)
  - *R (oao Coleman) v London Borough of Barnet* [2012] EWHC 3100 (Admin) (injunction); [2012] EWHC 3725 (Admin); *R (oao Coleman) v London Borough of Barnet* [2011] (consent order): discharge of section 149 Equality Act 2010 duty engaged by development
  - *Land at Tideway Wharf*: challenge to mixed use development comprising 752 residential units, hotel and commercial uses
  - *R (on the application of Save Britain's Heritage) v Secretary of State for Communities and Local Government and Gateshead Metropolitan Borough Council* [2011] EWCA Civ 1500: lawfulness of prior approval; meaning of "demolition" for the purposes of EIA development under the Directive and the Regulations; "salami-slicing" in the context of the Bridging Newcastle Gateshead multi-phase regeneration scheme; see also *R (oao Save Britain's Heritage) v Secretary of State for Communities and Local Government (2) Gates head Metropolitan Boroung Council (Admin)* [2010] EWHC 2919 (Admin) [no.1]
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## Memberships

- Planning and Environment Bar Association
- National Infrastructure Planning Association
- Compulsory Purchase Association

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