



## Richard Wald KC

Year of call: 1997 | Silk: 2020

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*"Richard is a superb barrister. He exudes a style which is measured, considered, exactly on the point and very persuasive. One of the most effective advocates, but most particularly in the High Court where his intellectual brilliance and gifted advocacy make him stand out as a true star"* The Legal 500 2022

Richard Wald KC is a leading environmental, planning and public law silk. He has been ranked by Chambers and Partners and The Legal 500 in the categories of Environmental Law, Planning Law, Aviation Law, Administrative and Public Law and Energy Law. Prior to taking silk he was rated by Planning Magazine Legal Survey as amongst the UK's top planning juniors for over a decade and nominated by Chambers and Partners as Planning and Environment Junior of the Year.

## Areas of expertise

Administrative and Public

Administrative and Public (including Local Government and Human Rights)

Planning

-- Aviation and Aerospace

-- Compulsory Purchase and Compensation

-- Development Consent Orders and Infrastructure

-- High Court Planning Challenges

-- Planning Appeals, Hearings and Inquiries

-- Planning Enforcement

Environmental

Energy

## -- High Court Planning Challenges

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Richard regularly appears in leading high court challenges across the range of his specialist areas of practice

## Cases of note

- ***R(Harris) v Environment Agency & Natural England* [2022] EWHC 2264 (Admin)** - Richard acted for the successful claimants in this judicial review of the Environment Agency's failure properly to discharge its duties under the Habitats Directive by safeguarding protected species from the adverse effects of water abstraction in the Norfolk Broads. The case has had wide-ranging ramifications for the application in the UK of both the Habitats Directive and EU law more generally, post-Brexit.
- ***Ocado Retail Ltd v London Borough of Islington & (1) Telereal Trillium Ltd (2) Concerned Residents of Tufnell Park* [2021] EWHC 1509 (Admin)** - Richard acts for residents local to a proposed new Ocado depot on an industrial estate next to a primary school. Those residents successfully applied for the revocation of a certificate of lawfulness permitting unfettered storage and distribution activities at the site on the basis that the determining local planning authority had been materially misled by the application and using a seldom deployed power under section 193(7) of the Town and Country Planning Act 1990 ("TCPA 1990"). Ocado filed a judicial review claim which sought to quash Islington LBC's revocation decision but CRTP together with Islington LBC successfully defended that claim. Ocado then applied for a fresh certificate on the basis of further evidence, CRTP raised a number of objections to that application and Islington refused it in February 2022. An appeal against that appeal is pending
- ***CPRE (Surrey) and POWCampaign Ltd v Waverley Borough Council and Others*, [2019] EWCA Civ 1826** – Richard acted for one of the Claimants in this judicial review concerning the extent to which plan-makers must investigate unmet housing needs outside their area.
- ***R (Legard) v Kensington & Chelsea Royal Borough Council & (1) Metropolis Properties (2) St Quintin & Woodlands Neighbourhood Forum* [2018] EWHC 32 (Admin)** Richard acted for the claimant landowner in this five-day JR of the decision of RBKC to permit a neighbourhood plan designating his land as Local Green Space (LGS), to proceed to referendum. The eventual grounds (after amendment) centred on apparent bias.
- ***R (East Bergholt Parish Council) v Babergh District Council & Ors.* [2018] EWHC 3400 (Admin)** Richard acted for the Claimant Parish Council in this JR of three planning permissions for 229 homes based on the proper approach to the assessment of the LPA's 5YHLS under the then recent National Planning Policy Framework 2018 and the meaning of "deliverable" in that context.
- ***R (Islington LBC and Richmond LBC), R(Lambeth LBC), R(Camden LBC) v Secretary of State for Communities and Local Government* [2013] EWHC 4009 (Admin)** - Richard acted for the SSCLG in resisting these judicial review challenges against the exemption process her had applied to changes made in 2013 to the permitted development regime to allow change of use from business (B1) to residential (C3)
- ***(1) Jonathan Sumption (2) Teresa Sumption v Greenwich LBC & Christopher Rokos (QBD)* [2007] EWHC 2776 (Admin)** - Richard acted for the Interested Party landowner in this judicial review of the grant (under s. 192 TCPA 1990) of a certificate of lawfulness re erection of a boundary wall in the curtilage of a listed building.f
- ***National Anti-Vivisection Society v First Secretary of State* (QBD) [2004] EWHC 2074 (admin)** - Application under s. 288 of the TCPA 1990 re the Secretary of State's grant of permission for a non-human primate experimentation facility in Cambridge on grounds of predetermination, bias and perversity.

## Recommendations

### Environment

*"Tenacious and inventive - one of the pre-eminent environmental silks in London, and far and away the*

*most skilled and persuasive.*"The Legal 500 2022

*"Measured, confident, persuasive, he is a superb barrister who is good on paper but truly excellent when in court on his feet."*Legal 500 2021

## Planning

*"Richard is an outstanding High Court advocate: clear, insightful and effective on his feet. He has got a brilliantly inventive mind."*

*"He is an excellent advocate, who is very approachable and easy to work with."*

*"He is very knowledgeable and very helpful."*

*"An excellent advocate, who is very approachable and easy to work with."*

*"Richard is a proper specialist in this area."*Chambers and Partners 2023

## Energy

*"A breadth of knowledge across the many areas of nuclear regulation"*The Legal 500 2015

## Administrative and Public Law

*"He has incredible skill and inventiveness in creating very attractive arguments."* *"He is fantastic with clients who are very sophisticated and familiar with the process, but also very wonderful at holding clients' hands through their first judicial review."*Chamber and Partner 2020

*"He's very bright and he packages his arguments and opinions in a way that the clients can understand."*

*"He puts everyone at ease and he gets to what really matters."*

*"Conscientious and diligent."* *"An amazing advocate."*Chambers and Partners 2021

## Aviation and Aerospace

*"Richard has a very good grasp of the details relating to aviation regulation and control. He is good on papers but excellent in court. He is measured, confident, on the point and very persuasive."*The Legal 500 2023

*"An up-and-coming new silk"*The Legal 500 2022 (Tier 1, Silks in Aviation Category)

## Memberships and Appointments

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- Planning & Environment Bar Association (PEBA)
- Administrative Law Bar Association (ALBA)
- Chair of Environmental Law Foundation
- Member and former trustee of United Kingdom Environmental Law Foundation
- National Infrastructure Planning Association
- Assistant Commissioner to the Boundary Commission for England (2016)
- General Editor of Sweet & Maxwell Thomson Reuter's Encyclopaedia of Environmental Law (2005-2015)
- Attorney General's B Panel of Counsel to the Crown (2009)
- Attorney General's C Panel of Prosecution Counsel to the Crown (2003)
- University of Brighton Visiting Lecturer (MSc Environmental Policy and Law)
- Judicial Assistant in the Court of Appeal (Assistant to Konrad Schiemann LJ)
- Legal and Administrative Trainee at UN Office of Legal Affairs and DG1A (External Relations) of the European Commission

## Qualifications, Scholarships and Prizes

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- MA Hon. Spanish & European History, First Class with Distinction (finished 1st in year), University of Edinburgh: 1990-1994
- Erasmus Scholar (Coimbra Group) – University of Granada (Medieval History)
- Brown University – Special Student Scholarship – American Literature and History
- Inns of Court School of Law – Bar Finals
- Diplomas in Law (City University) and EC Law (King's College, London): 1996
- Gray's Inn Prince of Wales Scholar 1998
- Inner Temple Pegasus Scholar (Judicial Assistant to Chief Justice of Israel) 2000
- Trained and accredited Mediator and Pupil Supervisor

## Additional Information

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- General Editor of Thomson Reuters' Encyclopedia of Environmental Law 2004-2015
- Co-editor of Sweet & Maxwell Thomson Reuter's Environmental Law Bulletin
- Contributor to Tromans on Nuclear Law 3rd Edition (Hart Publishing, forthcoming)
- Contributor to Tromans on Environmental Impact Assessment: Law and Practice 2nd Edition (Bloomsbury, 2012)
- Co-Author of Butterworths/LexisNexis' Highways Law and Practice 2002

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