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James Strachan KC

Year of call: 1996 | Silk: 2013

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"An outstanding lawyer, who is a pleasure to work with. If you've got a seemingly unwinnable case he's the only one that's going to win it..." Chambers and Partners

James Strachan KC has an extensive practice in administrative and public law, planning and environment, major infrastructure and DCOs, compulsory purchase and compensation, local government, financial services and commercial regulatory law, human rights and privacy.

He is recommended in Administrative and Public Law, Civil Liberties and Human Rights, Environment and Planning by the current editions of both the UK Legal 500 and Chambers and Partners, who describe him as "a superb lawyer".

James was named as 'Environmental and Planning Silk of the Year' at the Chambers and Partners Bar Awards 2016 and shortlisted as 'Environmental and Planning Silk of the Year 2020'.



Areas of expertise

Public and Administrative Law

Planning and Environment

Financial Services and Commercial Regulation

Human Rights and Civil Liberties

Information and Media

Planning and Environment

James has a long-standing specialist practice in planning and environmental law with 25 years' experience. He acts for a very wide range of developers, as well as the Government, local authorities and development corporations, in relation to all forms of development, including housing and affordable housing, garden villages and new settlements, retail, industrial and commercial development, renewable energy, education provision, aviation, roads and specialist heritage and conservation development. He regularly appears at sections 77/ 78 public inquiries and hearings, local plan examinations and in the courts in these areas. He advises on Community Infrastructure Levy issues as well as State Aid issues in respect of development arising under EU law and also Human Rights issues that can arise with development.

James is very experienced in a wide range of environmental and environmental control issues in relation to development and infrastructure, including in particular Environmental Impact Assessment, Habitats Regulation Assessment, Environmental Permitting, Noise Assessments, Flooding, Heritage Impact Assessment, Landscape and Visual Impact Assessment, Control of Hazardous Substances, Dangerous Substances, Explosives, Safeguarding areas and risk assessments of various kinds.

James was named as 'Environmental & Planning Silk of the Year' at the Chambers & Partners Bar Awards 2016 and shortlisted as 'Environmental & Planning Silk of the Year 2020' and is recommended as leading silk in both areas in the current editions of Chambers & Partners and the Legal 500 .

James is also experienced in major infrastructure projects, compulsory purchase and compensation. He has promoted both High Speed 2 ("HS2") Phase 1 (London- Birmingham) and HS2 Phase 2A (Fradley to Crewe) on behalf of DfT, and continues to work on Phase 2B. He has wide experience in aviation, acting for the Government and having dealt with aviation development at a number of airports, including Manston, Coventry, Southampton, London Lydd and Biggin Hill. He has acted for NATS on many occasions regarding windfarm development and the effect on radar infrastructure. He has been involved in various NSIPs under the Planning Act 2008 for major road proposals, airports, energy generation projects, waste and other major schemes, as well as the promotion of CPOs for major town centre regeneration, highway schemes and water and sewerage infrastructure.

Cases of note:

R(Samuel Smith Old Brewery (Tadcaster) v North Yorkshire County Council [2020] UKSC 3 – for SSOBT in the Supreme Court on Green Belt and question of whether visual appearance is a material consideration for minerals application

UBB Waste Essex Ltd -v- Essex County Council [2020] JPL 191; [2019] EWHC 1924 (Admin) – Energy from Waste plant for UBB and interpretation of planning permission and Environmental Statement

City & Country Bramshill Ltd v Secretary of State for Housing, Communities and Local Government [2019] EWHC 3819 (Admin) – heritage case for redevelopment proposals for Grade I listed Jacobean House and Grade I listed Registered Park and Gardens

R (Thornton Hall Ltd) v Wirral Metropolitan Borough Council [2019] EWCA Civ 737; [2020] 1 P&CR 12; [2019] JPL 1100 – for Thornton Hall Ltd in Court of Appeal on successful application to quash planning permission 5 years out of time

CEG Land Promotions II Ltd v Secretary of State for Housing Communities and Local Government [2019] 2 P&CR 11; [2018] EWHC 1799 (Admin); [2018] JPL 1362 –for CEG on challenge to approach to "valued landscapes" in the NPPF

Dignity Funerals Ltd v Breckland District Council [2017] EWHC 1492 (Admin) – for Dignity on challenge to the grant of planning permission for crematorium

Neal Soil Suppliers Ltd v Natural Resources Wales No.2 [2017] EWCA Crim 645 –for NRW on environmental prosecution appeal for breach of environmental permit in respect of waste

R(Isles of Scilly Steamship Co Ltd) v Cornwall Council & Penzance Heliport (2017) – for Claimant in quashing unlawful grant of planning permission for new heliport for Isles of Scilly

Neal Soil Supplies Ltd v Natural Resources Wales No.1 [2016] EWCA Crim 41 –for NRW on environmental prosecution appeal for breach of environmental in respect of waste recovery

Samuel Smith Old Brewery (Tadcaster) v Selby District Council [2016] JPL 602; [2015] EWCA Civ 1107 – for SSOBT on principles regarding the duty to cooperate for Local Plans

R(Forge Field Society) v Sevenoaks District Council [2015] JPL 2015; [2014] EWHC 1895 (Admin) – for Claimant on heritage impact assessment

R(Kverndal) v London Borough of Hounslow and Lend Lease Residential (CG) Plc [2015] EWHC 3084 (Admin) – for developer defending approval of mixed use tower for 137 dwellings in Chiswick High Road

R(Milton (Peterborough) Estates Co (t/a Fitzwilliam (Malton) Estate) v Ryedale District Council [2015] EWHC 1948 (Admin); [2015] JPL 1312 – for Estate regarding superstore in Malton

Taylor Wimpey West London v Secretary of State for Communities and Local Government [2015] JPL 257; [2014] EWHC 2082 (Admin) –for Taylor Wimpey regarding planning permission for development of 193 residential units on former school site

RSPB v Secretary of State for Communities and Local Government & Lydd Airport Action Group v Secretary of State for Communities and Local Government and Lydd Airport [2014] JPL 1041; [2014] Env LR; [2014] EWHC 1523 (Admin) – for Airport operator for extension of runway and airport facilities at London Lydd Airport dealing with European sites designated under the Habitats and Wild Birds Directive and Dungeness Nuclear Power Station and Office for Nuclear Regulation's approach to risk from aircraft

R(Botley Parish Action Group) v Eastleigh Borough Council & MA Botley Ltd and others [2014] EWHC 4388 (Admin) for developer defending planning permission for 1,400 homes and 4,000 sq m of employment space, primary school and community facilities at Botley

(1) John Emilyn Stone (2) James Emilyn Stone v (1) Secretary of State for Communities & Local Government (2) Cornwall Council [2014] JPL 1038 [2014] EWHC 1456–for Sec of State on enforcement notice in respect of mixed use development and planning unit principles

Timmins & AW Lymm v Gedling Borough Council [2014] EWHC 654 (Admin) - for funeral service operator on challenge to grant of planning permission by local authority for new crematorium and cemetery in the Green Belt

(1) Deborah Jane Aston (2) Westcott Meadow Action Group Ltd v (1) Secretary of State for Communities & Local Government (2) Mole Valley District Council (3) Taylor Wimpey UK Ltd [2014] 2P&CR 10; [2013] JPL 1597; [2013] EWHC 1936 –for Taylor Wimpey resisting challenge to the grant of planning permission for housing within an AONB and concept of major development within the NPPF

R (Manchester Ship Canal Company Ltd) v Environment Agency [2013] EWCA Civ 542 –for MSCC on challenge to EA's approach to flood defence assessment

Walsall Metropolitan Borough Council v Secretary of State for Communities and Local Government [2013] EWCA Civ 370 – appeared in Court of Appeal on important issue of jurisdiction for second appeal under s.289 of the Town and Country Planning Act 1990

UK Coal Mining v Secretary of State for Communities and Local Government [2013] EWHC 2142 (Admin) – s.288 challenge to refusal for open cast coal mining proposal

Telford and Wrekin Council v Secretary of State for Communities and Local Government [2013] EWHC 79 (Admin) – on interpretation of condition imposed on retail permission

Samuel Smith Old Brewery Tadcaster v Selby District Council [2013] EWHC 1159 (Admin) –for SSOBT on challenge to grant of planning permission for car-park works

Larkfleet Ltd v Secretary of State for Communities and Local Government [2012] EWHC 3592

(Admin) – s.288 challenge to refusal of sustainable urban extension proposal of 1,000 homes

Winfield v Secretary of State for Communities & Local Government [2012] EWCA Civ 1415 Court of Appeal and High Court on resisting challenge in respect of advertisement control

R(Valley Action Group Ltd) v Bath and North East Somerset Council [2012] EWHC 2161 (Admin) – definition of development and EIA requirements in respect of major poultry units

Harbidge v Secretary of State for Communities and Local Government [2012] EWHC 1128 (Admin) – s.289 challenge to enforcement notice appeal on use of property for worship

R (Cala Homes (South) Limited) v. Secretary of State for Communities and Local Government (Cala Homes II) [2011] EWCA Civ 639 and [2011] EWHC 97 (Admin) – for Cala on abolition of Regional Spatial Strategies

Elvington Park Ltd v Secretary of State for Communities & Anor [2011] EWHC 3041 (Admin) - S.289 challenge to enforcement notice on use of airfield for motorsports

Smith, R (on the application of) v Land Registry (Peterborough Office) & Anor [2010] EWCA Civ 200 – approach to adverse possession of highway and definition of highway

Cox v Secretary of State for Communities & Local Government [2010] EWHC 104 (Admin) – s.288 challenge concerning telecommunications mast and base station

R (Cala Homes (South) Limited) v. Secretary of State for Communities and Local Government (Cala Homes I) [2010] EWHC 2866 (Admin) – for Cala on landmark challenge quashing decision of Secretary of State to abolish Regional Spatial Strategies

R(Stafford Borough Council) v Secretary of State for Communities and Local Government [2011] EWHC 936 (Admin) – s.288 challenge to confirmation of a purchase notice under s.137 of TCPA 1990

Hampshire County Council v Beazer Homes Ltd [2010] EWCA 3095 (QB) – for HCC on proper interpretation of s.106 agreement on return of unused s.106 contributions

Brecon Beacons National Park Authority v National Assembly for Wales [2010] EWHC 3780 – acting for NAW on challenge to anaerobic digester

Robert Hitchins Ltd v Secretary of State for Communities and Local Government [2010] EWHC 1157 (Admin) – s.288 challenge in respect of proposal for 750 dwellings

Stop Pyestock Blot Act Today (SPLAT) v Secretary of State for Communities and Local Government [2010] EWHC 1520 Admin on application of plan-led approach

Tegni Cymru Cyf v The Welsh Ministers & Anor [2010] EWHC 1106 (Admin) – s.288 challenge on refusal of planning permission for windfarm in Denbighshire

Brown, R (on the application of) v Stobart Air Ltd [2010] EWCA Civ 523 & [2009] EWHC 2519 – in Court of Appeal and High Court on correct approach to Environmental Impact Assessment of aviation and related development

Metro Construction Ltd. v London Borough of Barnet [2009] EWHC 2956 (Admin) – challenge to designation of new conservation area under s.69 Planning (Listed Buildings & CA) Act 1990

Ashtenne Industrial Fund Ltd Partnership & Anor v Secretary of State for Communities and Local Government [2009] EWHC 1746 (Admin) on challenge regarding mixed use scheme

Guildford Borough Council v Secretary of State for Community and Local Government [2009] EWHC 3531 (Admin) – s.288 challenge on refusal of planning permission for development in Green Belt

Newland v Secretary of State for Communities and Local Government [2008] EWHC 3131 (Admin) – enforcement notice concerning use of site for residential caravan for gypsy family

Capel Parish Council v Surrey County Council [2009] EWHC 350(Admin) – challenge to Waste Plan allocation of waste incinerator at Clockhouse Brickworks and grant of three planning permission

O2 (UK) Ltd v Secretary of State for Communities & Local Government [2009] EWHC 522 (Admin) – challenge to enforcement notice concerning GPDO rights for telecommunication apparatus

West Midlands International Airport Ltd v Secretary of State for Communities and Local Government & Ors [2008] EWHC 2309 (Admin) – s.288 aviation development Coventry Airport Michael, **R (on the application of) v Secretary of State for Communities and Local Government** [2008] EWHC 2646 (Admin) Oct 2008, Planning appeals – challenge to confirmation of CPO

South Cambridgeshire District Council v Secretary of State for Communities & Local Government [2008] EWCA Civ 1010 on approach to distinguishing decision letters and consistency in decision letters

R(Collis) v Secretary of State for Communities and Local Government [2007] EWHC 2625 (Admin) – legal challenge to confirmation of CPO made by LB Tower Hamlets

Jeffrey v First Secretary of State [2007] EWCA Civ 584 – in Court of Appeal on challenge to discontinuance order under s.103 of the TCPA 1990

Bar1 Ltd v First Secretary of State [2007] EWHC 808 (Admin) – variation of conditions imposed on bar restaurant

George Wimpey UK Ltd v First Secretary of State [2007] EWHC 475 (Admin) – s.288 challenge to refusal to grant planning permission for residential development

R (Barker) v Bromley London Borough Council, Secretary of State for Communities and Local Government intervening [2006] UKHL 52; [2007] 1AC 470; [2006] QB 764; [2003] UKHL 45– in House of Lords, CJEU, Court of Appeal and High Court on approach EIA for reserved matters application for major Crystal Palace redevelopment

Smith v First Secretary of State [2006] EWHC 3014 (Admin) – s.289 enforcement notice appeal for woodland project

Grendon v First Secretary of State [2006] EWHC 1711(Admin) – s.288 challenge on lawful development certificate and meaning of dwellinghouse

Winter v First Secretary of State [2006] EWHC 491 (Admin) – s288 challenge to woodland development

Bayfordbury Estates Ltd v First Secretary of State [2006] EWHC 223 (Admin) – s.288 challenge on residential redevelopment proposal

De Mulder v First Secretary of State [2005] EWHC (Admin) – s.288 challenge to permission

Hill v First Secretary of State [2005] EWHC 1128 (Admin) – s.288 challenge to grant of outline planning permission

Epping Forest DC v Sec of State for TLGR [2005] EWHC 424 (Admin) s.288 challenge

Evans v First Secretary of State [2003] EWCA Civ 1523 – Court of Appeal decision on EIA requirements for development at London Metropolitan University

Belmont Riding Centre v First Secretary of State [2003] EWHC 1895 (Admin) – approach to planning unit and material changes of use

London Borough of Bromley v First Secretary of State [2003] EWHC 1499 (Admin) – s288 challenge for hangar development at London Biggin Hill airport

R (Adriano) v Surrey C C (2002) High Court on EIA and JR for waste facility

Examples of Major Development include

Green Hammerton New Settlement – ongoing promotion of major new settlement for 3,000 houses in Harrogate BC area at Local Plan Examination and by Planning Application

Tudeley Village, Kent – ongoing promotion of new village settlement for 2,500 plus homes in Tunbridge Wells

Burley-in-Wharfedale – ongoing promotion of 500 Houses & School through Local Plan Examination and by Called-In Planning Application

Bramshill House – Grade 1 Listed Mansion and Registered Park and Garden – ongoing promotion of major proposals for restoration and regeneration with housing proposals in grounds for City & Country

Knowls Lane, Oldham – acted for developer in promotion of major new housing proposal in Oldham

Bicester Village – acted for Bicester Village in resisting proposal for adjacent retail park proposal

Mistley – acted for developer in promotion of intensification of planning permission for housing development granted on appeal.

Potters Field, London – promotion of major redevelopment of Potters Field with world-class architecture scheme approved on appeal after public inquiry

Bicester Expansion – promotion of housing expansion at Bicester

Mill Hill Cemetery Redevelopment – promoted planning permission granted on appeal

St George's Hospital – promotion of redevelopment of former NHS hospital site for major housing approved after public inquiry

University of Sussex – promoted major redevelopment / expansion of University of Sussex approved after public inquiry

Warfield Park – promotion of significant expansion of Park Home proposal in Bracknell Forest approved after public inquiry

Long Hanborough, Oxfordshire – promotion of new housing approved after public inquiry

City & Country Sundridge Ltd v Bromley LBC [2017] 6WLUK 850; [2017] PAD 35 –for City & Country on scheme for redevelopment of Grade 1 Listed Sundridge Park and costs award against Bromley LBC

Major Infrastructure and Compulsory Purchase

Examples of projects include:

HS2 – Phase 1 and Phase 2A (2013-2020) – promotion of new High Speed Railway from London to Birmingham and Fradley to Crewe by two Hybrid Acts of Parliament

R(ClientEarth) v Secretary of State for Business, Energy and Industrial Strategy & Drax Power Ltd [2020] EWHC 1303 (Admin) and Court of Appeal – for Drax defending the Secretary of State's grant of a DCO for two gas turbine energy regenerating stations at Selby.

R(Mayor of London) v Secretary of State for Business, Energy and Industrial Strategy and Cory (2020) High Court – acted for Secretary of State in opposing challenge to grant of DCO for new waste incinerator at Riverside Energy Park, Bexley

United Utilities Water Ltd (Eccles Wastewater Treatment Works) Compulsory Purchase Order 2016 – promotion of first Water Industry Act CPO for UU through public inquiry (2018-2020)

Thames Enterprise Park – acted in relation to promotion of major redevelopment proposals for Thames Enterprise Park

Silvertown Tunnel DCO (2018-2019) – acting for affected landowners for major redevelopment

Manston Airport DCO – (2019) – acting for owners of Manston Airport in response to Manston Airport DCO

Tilbury 2 – acted for Thurrock Council on application of Planning Act 2008/DCO

Coventry Airport – acted for TUI and Coventry Airport in promotion of Interim Passenger Facility for airport services

M1/M6 Junction 19 Improvement CPO – acted for Highways Agency on promotion of Orders and CPO for M1/M6 Junction 18 works

London Lydd Airport – acted for London Lydd Airport in promotion of runway expansion and improvements to Airport

Feeney v (1) Secretary of State for Transport (2) Chiltern Railway Co Ltd (3) Natural England – acting for Secretary of State on approval of reopened railway way line via Oxford

Hardy & Maile v United Kingdom – acted for authority in respect of grants of consent for LNG Terminals at Milford Haven and associated human rights issues (see [2012] ECHR 261)

A47 Thorney Bypass CPO – acted for Highways Agency on promotion of Orders for A47 Thorney Bypass

Bracknell Town Centre Regeneration CPO – acted on promotion of Bracknell Town Centre Regeneration

R(Samuel Smith Old Brewery Tadcaster) v National Grid Electricity Transmission Plc [2012] EWHC 46 (Admin) – wayleaves for National Grid pylons under Electricity Act and Wayleave Inquiry under Electricity Act

Star Energy Weald Basin Ltd & Anor v Bocardo SA [2010] UKSC 35 – intervening in Supreme Court on correct approach to compensation for pipelines for extraction of oil

Old England Properties Ltd v Telford and Wrekin Council [2000] EW Lands Acq – Lands Tribunal approach to purchase notice compensation

Recommendations

"He's very cerebral and his advocacy style is understated but measured, and judges really listen to him" Chambers and Partners 2020 - Administrative and Public

"A very methodical and meticulous advocate who has a lovely style" Chambers and Partners 2020 - Administrative and Public

"Top of the tree intellectually and in dealing with clients; his work product is consistently at a very high standard indeed" Chambers and Partners 2020 - Administrative and Public

"A real tactician who is able to steer a clear course through the most complex disputes. He is also a ruthless cross-examiner" Chambers and Partners 2020 - Planning

"He has an excellent style and is tenacious and easy to deal with" Chambers and Partners 2020 - Planning

"Amazing in the way he calmly absorbs huge amounts of evidence and information and then presents a case that is both compelling and coherent" Chambers and Partners 2020 - Environment

"... extremely clever. He's a really excellent advocate and comes across in an understated way is no less powerful for it" Chambers and Partners 2020 - Human Rights / Civil Liberties

"He has a razor-sharp mind and is a very strategic thinker, as well as a very persuasive advocate" Chambers and Partners 2020 - Local Government

"He's absolutely brilliant and one of the nicest people you could ever meet" Chambers and Partners 2020 - Local Government

"A highly experienced public lawyer. He is very intelligent, knows the area very well and is a fine advocate" The Legal 500 2020 - Administrative and Public

"Special note should be made of the 'text book' way that James conducted his cross examination of the

*objector's witnesses and the way that he extracted concession after concession leaving the objector with no alternative but to withdraw"*The Legal 500 2020 Planning

*"He has a calm and pleasant manner in court but is ruthlessly effective in cross-examination"*The Legal 500 2020

*"Super-bright, always two steps ahead of everyone else in the courtroom. ..."*The Legal 500 2020 Civil Liberties and Human Rights

*"He has a deep knowledge of Financial Services law which he deploys to great effect, and is a tenacious and technically proficient advocate."*The Legal 500 2020 Financial Services

Appointments

Appointed Deputy High Court Judge – September 2018

Appointed Queen's Counsel – 2013

Attorney General's Counsel to the Crown 'A' Panel – appointed March 2008

Attorney General's Counsel to the Crown 'B' Panel – appointed March 2004

Attorney General's Counsel to the Crown 'C' Panel – appointed March 2001

Welsh Assembly Government Panel from 2009 – 2012

Memberships

- COMBAR
- ALBA
- PEBA

Qualifications

Winchester College

St Peter's College, Oxford University BA (Hons) (1st Class)

Diploma in Law College of Law (Commendation) (1994-5)

BVC Inns of Court School of Law (Outstanding) (1995-6)

Scholarships and Prizes

1991-3 Steven Latner Scholarship, St Peter's College Oxford

1995 Harmsworth Major Entrance Exhibition to Middle Temple

1996 Baron Dr VerHeyden de Lancey Award for highest Middle Templar BVC Result

1999 Pegasus Scholar to Mallesons Stephen Jacques, Sydney, Australia

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