



“Gets outstanding results”

Chambers & Partners

Andrew Tabachnik QC has a versatile and wide-ranging practice, specialising in cases of complexity, and encompassing (in particular) planning and compulsory purchase; and disciplinary and regulatory law. Andrew has been a Recommended Silk and Junior in all the above areas from 2009 to date in Chambers & Partners and the Legal 500. Andrew took Silk in 2017. He was named Professional Discipline “Silk of the Year 2020” at the Chambers UK Bar Awards.

PRACTICE AREAS

- Planning and Compulsory Purchase
- Regulatory & Disciplinary

PRACTICE AREAS

PLANNING AND COMPULSORY PURCHASE

“A legal powerhouse with a persuasive presence as an advocate” Legal 500

“Utterly superb strategic skills, advocacy and writing, all delivered with common sense and commercial awareness.” Chambers & Partners 2020

In the planning and compulsory purchase field, he regularly appears at Public Inquiries, in the Lands Tribunal, and in High Court challenges to the grant of planning permission. His planning practice is very wide-ranging and spans housing, aviation, marinas, habitats, Health & Safety Executive issues (including nuclear), waste, crematoria, Green Belt, and heritage / listed buildings. He also advises extensively on CIL; on development / promotion / overage agreements (and ensuing litigation / arbitration); on contaminated land issues; and is instructed in planning-related professional negligence disputes. In addition, he advises and acts on compulsory

purchase and compensation claims, and acted in what is believed to have been the largest claim before the Lands Tribunal (relating to the development of Farnborough Airport as a business airport). He has very substantial experience in dealing with large residential and student housing projects, on both greenfield and urban sites. He has substantial recent experience of planning disputes in the Caribbean.

By way of example, significant cases in these fields include:

Substantial urban extensions

Promotion of substantial Green Belt and non-Green Belt sites (consisting of many thousands of proposed new homes) through local plan examinations.

Exceptional applications to reconsider in Court of Appeal

Representing housing developer in leading Court of Appeal decision on exceptional applications to re-open refusal of permission to appeal in respect of refused judicial review (CPR 52.30), defending consent for 250 new homes. Judgment in *Wingfield v Canterbury City Council* is at [2020] EWCA Civ 1588.

Garden community at Biggleswade

Acting for UK Regeneration promoting a garden community for 1500 new homes and associated development at Biggleswade, Central Bedfordshire.

Massive London regeneration scheme in Docklands

Acting for the developers of a very substantial regeneration scheme, proposing 7500 new homes and significant employment development.

Green Belt employment site in Brentwood

Securing permission for a substantial employment scheme at a Green Belt location in Brentwood district.

Greenfield development in Bracknell Forest

Securing at appeal permission for residential development of two sites at Tilehurst Lane, Bracknell Forest. One proposal was successfully promoted on the basis (in part) of heritage benefits for the setting of a grade II* building.

Oxford Greyhound Stadium

Assisting the landowners in relation to the Oxford Local Plan.

Residential scheme near nuclear installation

Advising on a residential proposal near a licensed nuclear facility.

Student housing scheme in Guildford

Securing consent for 519 student units at prominent site in Guildford.

Canterbury district

Representing Redrow defending a 250 home consent against legal challenge raising Habitats issues, and advising

on the development of a 400 unit scheme.

CPO schemes

Involvement in proposed CPOs for a derelict former greyhound racing stadium, a former steelworks, and a listed building in a historic regeneration district.

Marina developments in the Caribbean

Involvement in two cases concerning the lawfulness of different Marina expansion proposals.

Abbott Murex

Securing revocation of Hazardous Substances Consent, so permitting adjacent residential development to proceed

Wapping conservation area

Promoting residential development in highly sensitive locations.

Plymouth

Securing substantial residential consent on prominent site adjacent to AONB.

North Newbury

Acting for developer successfully promoting an appeal proposal for 401 homes and a school at North Newbury, adjacent to the Vodafone HQ.

Wards Corner / Seven Sisters CPO

Acting for developer of flagship regeneration project in Tottenham proposing substantial retail and residential development. Successful outcome following 3 week CPO Inquiry.

Farnborough Airport compensation claims

Acting for Airport resisting compensation claims under Land Compensation Act 1973

Callerton judicial review

Successful representation of CEG (interested party to judicial review) whose consent for 550 homes was challenged by Persimmon. Dove J's ruling is reported at [2017] EWHC 688.

Kirby Cross

Successful representation of developer at inquiry. 240 homes in the Strategic Gap consented.

Guildford district

Acting in respect of Green Belt site proposed for 1100 new homes.

Wokingham district

Successful representation of two schemes at Inquiry (for Hicks and CALA respectively) raising substantial 5 year

supply issues.

Caledonian House, Watford

Successful representation at inquiry of scheme to redevelop substantial building.

Tackley, West Oxfordshire

Successful representation at inquiry of Barwood scheme for 70 new homes.

Cockaynes Lane, Arlesford

Successful appeal for scheme proposing 145 homes in Tendring District

William Hill v Transport for London

Successful representation of claimant resisting argument by TfL that claim was time-barred.

Luton Borough Council v Central Bedfordshire Council

Instructed by LBC. Judicial review of 5,000 home consent. Important NPPF and Green Belt issues considered in the Court of Appeal

Winchfield new town

Acting for objectors to proposed new town at Winchfield.

West End, Surrey Heath

Acted for developer securing consent for 85 unit scheme with substantial SANGS, including resisting a judicial review of the grant

Lymington Bottom Road, Medstead

Secured consent on appeal for substantial CALA scheme.

Hare Street North, Buntingford, East Hertfordshire

Successful appeal, securing planning consent for substantial new housing scheme.

Anaerobic digestion plant, Yorkshire

Acted for claimants in judicial review. Council and IP consented to judgment.

Lavant Road, Chichester

Represented developer of substantial scheme in Strategic Gap at appeal.

Crossrail compensation claims

Advising on compensation claims arising from compulsory purchase of buildings adjacent to Oxford Street.

Crewe Road, Crewe

Planning Appeal. Consent granted for substantial new housing scheme.

Attleborough, Norfolk

Acting for developer. Secured consent for 375 new homes.

Midsomer Norton, Somer Valley

Successful appeal, securing planning consent for 135 new homes.

West Hay Moor, Somerset

Acting in judicial review of modification order regarding peat extraction consent at 20 hectare site.

Land adjacent to Aldermaston nuclear facility

Acted for developer securing consent for substantial residential proposal immediately adjacent to Aldermaston, over HSE objection at call-in inquiry.

Cala Homes v Secretary of State for Communities and Local Government &Ors (no 3)

Challenge to refusal of planning permission, conceded just before hearing by SS, and leading shortly thereafter to grant of planning permission for 2000 homes

Crawley North East Sector

(High Court x2, Planning Inquiry x2) – Planning permission secured for 1900 homes adjacent to Gatwick Airport after lengthy battle

The Brit Oval

Planning Inquiry–Redevelopment of Oval, opposed by HSE due to proximity of gasholders

REGULATORY & DISCIPLINARY

“He’s very responsive and good at communicating matters. He is also very quick, and gets to the point very quickly.”
Chambers & Partners

“Provides high-quality legal advice and pragmatic strategic contribution to our matters. He is a precise and thorough draftsman and a highly persuasive advocate.” Chambers & Partners 2020

In the regulatory field, Andrew has acted both for and against a number of regulators (including the Law Society / Solicitors Regulation Authority, and the Financial Conduct Authority), and has been involved in numerous matters concerned with the regulation of doctors and architects, and representing the Civil Aviation Authority in its regulatory activities. In November 2020, Chambers & Partners named Andrew as Professional Discipline “Silk of the Year 2020” at the Chambers UK Bar Awards.

By way of example, significant cases include:

Solicitors Regulation Authority v Senior et al

Representing the SRA in this high profile prosecution against Gary Senior (former managing partner of a well-known firm) and others, known in the press as “Bakergate”.

Kingly Solicitors

Acting for the SRA on this substantial intervention, and the tracing and freezing of allegedly missing client account monies

Solicitors Regulation Authority v Philip Shiner et al

Represented SRA at Solicitors Disciplinary Tribunal, in prosecution arising primarily out of Al-Sweady issues.

Malik Law Chambers

Representing Law Society in relation to high profile interventions, including securing two Search and Seizure orders to support the interventions.

Solicitors Regulation Authority v Sharif

Represented SRA in prosecution of disciplinary case arising out of money laundering checks, and resulting in a substantial fine.

Bayley v Civil Aviation Authority

Represented CAA resisting a judicial review in relation to age limits for commercial pilots.

Civil Aviation Authority v Baker & Neale

Appeared for CAA in lengthy trial, successfully resisting whistle-blower claims brought in relation to alleged flight safety concerns by former flight inspectors.

Middle v Architects Registration Board

Represented ARB in respect of challenge to disciplinary decision

Solicitors Regulation Authority v Evans & Whiteley

Represented SRA in high profile disciplinary prosecution for conflict of interest breaches

Solicitors Regulation Authority v Leigh Day et al

Represented SRA at Solicitors Disciplinary Tribunal and before the Divisional Court, in prosecution arising primarily out of Al-Sweady issues.

Axiom prosecutions

Represented SRA in numerous prosecutions arising out of Axiom Fund issues.

Williams v Architects Registration Board

Represented Architects Registration Board resisting a High Court challenge of a decision to “erase” the claimant’s registration.

Solicitors Regulation Authority v Alexander

Represented SRA in prosecution before SDT.

Solicitors Regulation Authority v Whitwell

Represented SRA in prosecution before SDT.

Standard Life v Corr, Collins, Blake & Miller

£23m action under FSMA arising from regulatory charges brought by the FCA. Represented one of the defendant parties, the MD of the main operating subsidiary.

Law Society v Ramasamy

Acted for Law Society successfully resisting challenge to intervention by solicitor. Subsequently acted for Law Society in disciplinary proceedings before SDT, and at the ensuing appeal to the Divisional Court.

Law Society v Chan

Acted for Law Society. First claim issued for intervention costs from a non-party.

Solicitors Regulation Authority v Wood-Atkins

Represented SRA at SDT prosecution. Dishonesty charges proven and solicitor struck off.

Law Society v Twist

Acted for Law Society successfully resisting challenge to intervention by solicitor.

Solicitors Regulation Authority v Heer Manak et al

Represented SRA during long prosecution at SDT.

Law Society v Elsdon

Represented Law Society in s44B application against solicitor.

LIBOR investigation – ICAP

Advised and represented firm in respect of FCA investigation into alleged LIBOR manipulation.

Catalyst Investments – Timothy Roberts

Represented Chief Executive of Catalyst facing FCA investigation and charges for want of integrity regarding life-insurance backed structured product.

Keydata – Stewart Ford

Represented former Chief Executive of collapsed company in relation to FCA investigation and charges.

Solicitors Regulation Authority v Shahrokh Mireskandari et al

(Court of Appeal, High Court, SDT)-Numerous regulatory and disciplinary issues arising out of intervention into practice of former partners of Dean & Dean, including challenge to intervention, various judicial reviews, lengthy disciplinary case before SDT, and subsequent proposed 10 day appeal to Administrative Court.

FIFA v Manilal Fernando

Represented former senior FIFA official accused of corruption by FIFA. Following internal FIFA hearings, the case

proceeded to the Court of Arbitration for Sports.

RECOMMENDATIONS

Chambers & Partners (2009 – 2021) rank him in Planning, and Professional Discipline. Legal 500 (2009 – 2021) rank him in Planning, and Professional Discipline. Nominated by Chambers & Partners as Professional Discipline Junior of the Year 2012. Named by Chambers & Partners as Professional Discipline Silk of the Year 2020.

Comments in these publications include:

"He is always very thorough and is extremely analytical in his terms of approach." "He takes horrendously complex work and distils it down for everyone." (2020)

"Utterly superb strategic skills, advocacy and writing, all delivered with common sense and commercial awareness." "Provides high-quality legal advice and pragmatic strategic contribution to our matters. He is a precise and thorough draftsman and a highly persuasive advocate." (2020)

"legal powerhouse with a persuasive presence as an advocate" (2020)

"A silk who focuses on the detail" (2020)

"A barrister with a very powerful intellect." "A real black-letter lawyer who can really get down into the rules and regulations, and who is particularly good at cross-examination." (2017)

"He takes a measured, intellectual approach and is highly capable of persuading judges on the nuances of conflicts." (2017)

"..provides high-quality legal advice and pragmatic, strategic contributions to matters. He is a precise and thorough draftsman and a highly persuasive advocate." (2017)

"He has a very acute mind and can be relied upon to grasp and lead complex arguments." (2016)

"A stunning cross-examiner and entirely adept at dealing with the most difficult legal points." (2015)

"A very thorough and forensic barrister who is a sure and steady hand in any dispute." (2015)

"An experienced junior whose practice covers a number of areas." (2015)

"He's very responsive and good at communicating matters. He is also very quick, and gets to the point very quickly." (2015)

"He is a very good technical lawyer who is top-drawer. (2015)

"Amazes with his ability to absorb vast amounts of information." (2014)

"He is excellent, has good cross-examination skills and can deal with the nitty gritty aspects of regulatory work."(2014)

"We use him for our more challenging and long-running discrimination matters. He has an incredible ability to turn difficult situations into victory." (2014)

"He is a master tactician and a forensic genius."(2014)

"He is good on all levels, and is a very sound, complete and user-friendly senior junior." (2014)

"Fantastically thorough", "does good team work" and "gets outstanding results" (2013)

"Gains the respect and confidence of the court and his opponents alike as a result of his reasonable approach even in the face of highly controversial issues", "leaves no stone unturned", and "devastating cross-examination

technique" (2013)

"He really understands the need for counsel to be an integral part of the team" (2012)

Prized for his "strong intellect, great attention to detail and winning way with clients" (2012)

"Very good at unpicking the threads of convoluted cases" and "forensic in his approach and analysis, but very carefully works as a team to progress matters and consider alternatives and effects" (2011)

"An effective advocate with a persuasive way of presenting a case" (2011)

"[He has] great clarity of thought" and "displays confidence and forcefulness in his opinions" (2011)

"Forensic in his approach and analysis, but very carefully works as a team to progress matters and consider alternatives and effects" (2011)

"Thorough, very pleasant to work with and has a tremendous win rate" (2010)

"Efficient and extremely bright [he] is a dream to deal with" and "a formidable operator" (2010)

"[He] really owns a case and drives it forward. Favoured as a good team player who gives pragmatic advice and strategic input" (2009)

QUALIFICATIONS

OTHER BARS

New York State

District of Columbia

EDUCATION

MA (Hons) from Cambridge University First Class Honours

LLM from Columbia University, New York

SCHOLARSHIPS

Pembroke College Foundation Scholar

Ziegler Prize for Law

WA Makaad Prize

LONDON

81 Chancery Lane,
London
WC2A 1DD
Tel: +44 (0)20 7832 1111
DX: London/Chancery Lane 298
Fax: +44 (0)20 7353 3978

MANCHESTER

82 King Street,
Manchester
M2 4WQ
Tel: +44 (0)16 1870 0333
Fax: +44 (0)20 7353 3978

SINGAPORE

Maxwell Chambers,
28 Maxwell Road,
04-03 & 04-04, Maxwell Chamber
Suites
Singapore 069120
Tel: +65 6320 9272

KUALA LUMPUR

#02-9, Bangunan Sulaiman,
Jalan Sultan Hishamuddin,
50000 Kuala Lumpur,
Malaysia
Tel: +60 32 271 1085