



RICHARD WALD

Year called 1997

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“He is incredibly commercial and talks in a language that clients understand. He is accessible, is clear in his advice and he has a brilliant client focus” Chambers & Partners 2015

Richard Wald is an environmental, planning and public lawyer. He is ranked by Chambers & Partners and the Legal 500 in the categories of Environmental Law (1st tier of Leading Juniors), Planning Law (3rd tier of Leading Juniors), Administrative and Public Law (including Local Government) and Energy Law. He has also been rated by Planning Magazine Legal Survey as amongst the UK's top planning juniors for over a decade.

PRACTICE AREAS

- Planning, Environment & Property
- Administrative & Public (including Data Protection & Information Law)

SECTORS

- Aviation & Aerospace
- Energy
- Infrastructure
- Local Government (including Rating, Highways & Rights of Way)

BARRISTERS · ARBITRATORS · MEDIATORS

PRACTICE AREAS

PLANNING, ENVIRONMENT & PROPERTY

"Offers QC quality at junior rates. A complete all-rounder, he's everything you'd want as an instructing solicitor."
Chambers & Partners 2014

Richard regularly acts for and advises local authority and private sector clients in all aspects of planning and environmental law. High Court, Court of Appeal and Supreme Court work includes statutory challenges and judicial review. He undertakes both prosecution and defence work in respect of planning, environmental and health & safety enforcement in Magistrates' and Crown courts. He also acts for landowners and acquiring authorities on all aspects of compulsory purchase and compensation at inquiry and in the Lands Chamber of the Upper Tribunal.

ADMINISTRATIVE & PUBLIC (INCLUDING DATA PROTECTION & INFORMATION LAW)

"His legal analysis and knowledge of relevant law is first rate." Legal 500 2016

Richard regularly appears as an advocate in the higher courts for Claimants, Defendants and Interested Parties in public law cases.

Data Protection & Information Law

Richard frequently advises and represents public authorities, individuals and companies in relation to the Freedom of Information Act 2000, the Environmental Information Regulations 2011 and the Data Protection Act 1998.

SECTORS

AVIATION & AEROSPACE

Richard has acted for and against airport owners and operators in a number of legal contexts. These include statutory nuisance proceedings in relation to Formula 1 testing at RAF Elvington, an Environment Agency prosecution under the Water Resources Act 1991 for the alleged discharge of aviation fuel into controlled waters at RAF Mildenhall, numerous planning appeals arising out of applications by Top Gear to extend the scope of their permissions to film at Dunsfold Aerodrome, claims for compensation under Part 1 of the Land Compensation Act 1973 following the development of Europe's premier private jet airport at Farnborough Aerodrome and a judicial review challenge to the development of a 3rd runway at Heathrow Airport.

ENERGY

"Able to zero in on the key issues in question." Legal 500 2016

Richard acts in the full range of energy related cases for and against relevant regulators and developers. Relevant experience includes the development of renewable energy schemes including acting for and against developers of nuclear new build, wind farms (more than ten separate public inquiries) and solar arrays.

INFRASTRUCTURE

Richard has acted for developers and objectors in a number of major infrastructure projects consented by means

of various processes including hybrid bill, development consent order and planning inquiry. Significant experience has included acting for the Department of Transport in the development of the UK's largest infrastructure project since the 1950's (HS2), acting for Natural Resources Wales at a number of conjoined inquiries into the proposed development of the M4 corridor around Newport, and acting for and against renewable energy developers on numerous major on and off shore schemes.

LOCAL GOVERNMENT (INCLUDING RATING, HIGHWAYS & RIGHTS OF WAY)

Richard advises and represents local authority and private clients in all aspects of local government law including highways, rights of way and rating. He acts for Landowners and Highway Authorities in respect of all aspects of Highways and Rights of Way Law particularly issues arising under the Highways Act 1980 and the Countryside and Rights of Way Act 2000. He has also represented applicants and registration authorities in village green/commons inquiries.

CASES

ENVIRONMENTAL & PLANNING

Surrey Heath BC v Hook LTL 31/10/14

Application for injunction restraining breaches of planning control involving the concealed development of a dwelling house within an agricultural barn.

R(Pemberton International Ltd) v Lambeth LBC [2014] EWHC 1998 (Admin)

Judicial review of decision to grant permanent planning permission for outdoor restaurant seating

R(Nisbet) v Secretary of State for Communities & Local Government [2014] EWHC 1998 (Admin)

Application under s. 288 of TCPA 1990 to quash the decision of an inspector dismissing an appeal against the grant of planning permission restricting the use of the roof of a mews house.

R (on the application of Mouring) v West Berkshire Council [2014] EWHC 203 (Admin)

Judicial review of the grant of planning permission for a storage depot on EIA grounds.

R (Islington LBC and Richmond LBC), R(Lambeth LBC), R(Camden LBC) v Secretary of State for Communities and Local Government ("SSCLG") [2013] EWHC 4009 (Admin)

Judicial review challenges against the Secretary of State's exemption process applied to changes made in 2013 to the permitted development regime to allow change of use from business (B1) to residential (C3)

London Borough of Waltham Forest v (1) SSCLG (2) Mr Lusha [2013] EWHC 2816 (Admin)

Judicial review of the Secretary of State's Guidance re Householder Permitted Development Rights.

Environment Agency v (1) Commercial Recycling Limited (2) Greenway Ireland Ltd (Crown Court Ref: No T2012 0045)

EA prosecution of an independent waste disposal and recycling company under the Transfrontier Shipment of Waste Allegations 2007, Environmental Permitting (England & Wales) Regulations 2007 & 2010, and Hazardous Waste (England & Wales) Regulations 2005.

Dundon v SSCLG & Wyre Borough Council [2012] EWHC 1318 (Admin)

Application under s. 288 TCPA 1990 to quash the decision of a planning inspector refusing permission for the

development of agricultural land for a traveller site pitch.

Rooney v SSCLG LTL [2010] EWHC 3327 (Admin), [2011] EWHC Civ 1556, UKSC 2012/0036

Appeal against a dismissal of an application under s. 288 TCPA 1990 considering whether the principles established in *Manchester City Council v Pinnock* [2010] UKSC 45 apply to statutory challenges in planning cases.

Francis Roy Morgan (2) Catherine Margaret Baker (Appellants) v Hinton Organics (Wessex) LTD (Respondent) & CAJE (Intervenor) [2009] EWCA Civ 107

Consideration inter alia of the Aarhus Convention that costs in environmental proceedings should not be “prohibitively expensive”.

Choudhry v (1) SSCLG (2) Harrow London Borough Council [2009] EWHC 1179 (Admin)

Application under s. 288 TCPA 1990 re adequacy of reasons for a refusal of planning permission.

R (Surrey CC) v Secretary of State for Local Government & Dennis Read [2008] EWHC 2747 (Admin)

Application under s. 288 TCPA 1990 re Green Belt policy.

(1) Jonathan Sumption (2) Teresa Sumption v Greenwich LBC & Christopher Rokos (QBD) [2007] EWHC 2776 (Admin)

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.

O’Reilly v First Secretary of State & Anor (QBD) 2005 EWHC 1286 (Admin)

Application under s. 288 of the TCPA 1990 re fairness and reasons

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.

Crawley BC (R on the application of) v (1) Secretary of State for Transport and the Regions (2) Helberg (Eve) (t/a Evesleigh Group) [2004] EWHC 160 Admin

Application under s. 288 of the TCPA 1990 on grounds of inadequate reasons, failure to have regard to a material consideration and perversity.

R (on the application of SPA Properties Ltd) v (1) The First Secretary of State (2) Elmbridge BC (QBD) [2003] EWHC 2103

Application under s. 288 of the TCPA 1990 re bias, mistake of fact, perversity.

Scully (R on the application of) v Secretary of State for Transport, Local Government and the Regions [2002] EWHC 2624 (Admin)

Application under s. 288 of the Town and Country Planning Act 1990 re reasons.

- Appeal by Tithebarn Land against the refusal of Stockton-on-Tees BC to grant outline planning permission for 340 dwellings (acted for the local planning authority at a 2 week inquiry).
- Appeal by Gallaher Estates Ltd against the refusal by Warwick DC to grant permission for 450 dwellings in the vicinity of Warwick Castle (acted for William Davis Ltd and Hallam Land Management at a 3 week inquiry).
- Appeal by Acorn Property Ltd against refusal of permission to convert the Admiral Neslon Public House into residential units at a site near an ammonium nitrate store in Falmouth Docks and within the

HSE's Inner Zone for major hazard sites (acted for the Health and Safety Executive at a 2 week called-in public inquiry)

- Planning Appeal against a refusal to grant permission for the redevelopment of the Old Power Station on Flood St. Chelsea, into a Piers Gough designed residential block (led by Matthew Horton QC) (2 week inquiry).
- Acted for coalition of UK animal welfare groups at planning Inquiry into a non-human primate experimentation centre in Cambridge (December 2002 to January 2003)
- Promoted Penwith DC's Local Plan Inquiry (December 2001 – February 2002)
- Water Treatment Works Inquiry at Peacehaven, Sussex (3 month inquiry)

COMPULSORY PURCHASE AND COMPENSATION

Johnston and Ors v TAG Farnborough Airport Limited [2015] UKUT 534 (LC)

Over 250 conjoined claims brought under Part 1 of the Land Compensation Act 1973 for diminution in value of the claimants' homes arising out of the expansion of Farnborough Airport. Proceedings also involved a judicial review challenge to the Secretary of State for Transport's refusal to exercise her discretion under s15 of Land Compensation Act to determine the "relevant date" for the purpose of bringing such claims.

(1) Azzopardi (2) Express Homes v London Development Agency [2009] UKUT 110 (LC)

Compensation claim under s5 of Land Compensation Act 1961.

John Sole v (1) Secretary of State for Trade & Industry (2) London Development Agency (QBD) [2007] 1527 (admin)

Application under s. 23 of Acquisition of Land Act 1981 in respect of the lawfulness of the London Olympics CPO

Aslam v South Bedfordshire District Council (CA) 19 February 2001 [2001] EWCA Civ 515

CPO compensation appeal.

R v Lands Tribunal, Ex p Jafton Properties Limited (QBD) [2001] RVR 87

Judicial review of a Lands Tribunal costs decision.

- Objection to the London Development Agency's Olympics and Legacy CPO on behalf of the residents of the Clays Lane Estate (3 week inquiry)
- Call-in and CPO inquiry into a scheme to redevelop Dartford Town Centre (Lowfield Street) to include one of the UK's largest Tesco superstores (2 week inquiry)

ADMINISTRATIVE & PUBLIC (INCLUDING DATA PROTECTION & INFORMATION LAW)

R(Bancoult) v Secretary of State for Foreign & Commonwealth Affairs [2014] EWCA Civ 708 (see also [2012]

EWHC 2115 (Admin), [2012] EWHC 3281 (Admin) 2013] EWHC 1502 (Admin)).

Judicial review of Foreign Secretary David Miliband's decision to enact the world's largest Marine Protected Area in the waters surrounding the British Indian Ocean Territory

R (Hillingdon LBC & Ors.) (Claimants) v Secretary of State for Transport (Defendant) & Transport for London (Interested Party) [2010] EWHC 626 (Admin)

Judicial review challenge to government support for a third runway at Heathrow airport.

R (Bello) v Lewisham LBC (QBD) [2002] EWCA 1332 (Admin)

Judicial review re delay in implementing a demolition order under section 34 of the Building Act 1984.

Freedom of Information and Data Protection

The Chagos Refugees Group v Information Commissioner (2) Foreign and Commonwealth Office EA/2011/0300.
(Led by Lisa Giovanetti QC)

ENERGY

R (oao Rory Walker) v The Secretary of State for Energy and Climate Change (Defendant) and The Nuclear Industry Association (Interested Party) CO/1875/2011

Judicial review challenge against the Government's decision as Justifying Authority under the Justifying of Practices Involving Ionising Radiation Regulations 2004 ('the 2004 Regulations') that the EPR and Westinghouse AP1000 Nuclear Reactors are justified.

Stynes v Western Power Distribution East Plc [2013] UKUT 0214 (LC)

Compensation claim brought in the Lands Chamber of the Upper Tribunal under the Land Compensation Act 1973 which considers the proper method of calculating compensation following the Secretary of State's grant of a compulsory wayleave to permit an electrical cable to oversail the claimants' back garden

Sea and Land Power Energy Ltd v SSCLG [2012] EWHC 1419 (QB)

Application under section 288 of the TCPA 1990 to quash the decision of a planning inspector refusing permission for a 10 MW wind-farm on land in Hemsby in Norfolk.

- Acted for East Lindsey District Council ("ELDC") in appeal by Mark Caudwell against a refusal of planning permission for an 8-turbine wind-farm within sight of the Lincolnshire Wolds AONB (2 week inquiry).
- Acted for ELDC in appeal by RWE npower plc against non-determination of an application for a 6-turbine windfarm at Langham, near Anderby Creek in Lincolnshire (2 week inquiry).
- Acted for ELDC in appeal by Enertrag AG against non-determination of an application for an 8-turbine windfarm at Baumber, Lincolnshire, a site adjacent to the Lincolnshire Wolds AONB (2 week inquiry).
- Acted for ELDC in appeal by RWE npower under the Planning Act 2008 before the Infrastructure Planning Commission in relation to the installation and connection to the national grid of an up to 333 turbine, 1200 MW windfarm at Triton Knoll, 33km off the coast of Lincolnshire (2 week inquiry).
- Acted for Dover DC in appeal by Ecotricity against non-determination of an application for a 5-turbine windfarm at Enifer Downs Farm, North Devon (3 week inquiry).
- CPO Inquiry into open cast coal mining rights in Merthyr Tydfil (led by John Taylor QC) (3 week inquiry).

INFRASTRUCTURE

- Acting for Natural Resources Wales in a number of joined public inquiries into the Welsh Government's proposals to build a new section of motorway south of Newport (4 month inquiry).
- Part of the Counsel team acting for the Department of Transport in the High Speed 2 proceedings before the House of Commons Select Committee (18 month hearing).
- Numerous renewable energy planning appeals (see above).

LOCAL GOVERNMENT (INCLUDING RATING, HIGHWAYS & RIGHTS OF WAY)

Carpenter (Florence Rose Dorothy) v Pembrokeshire County Council [2004] EWCA Civ 226

Highways; Stopping Up Order/Traffic Regulation Order.

Slot (R on the application of) v (1) Guildford Magistrates Court (2) Waverley BC [2002] EWHC 2527 (Admin)

Judicial review re non-payment of Council Tax

Leda Properties Ltd v Kennet District Council (QBD) [2002] EWHC 2040 (Admin)

Rating case stated re non-domestic rating exemption

Southwark London Borough Council v Bellway Homes and the Post Office (QBD) [2000] RA 437

Whether disused sorting office a "qualifying industrial hereditament".

- Definitive Map Modification Order Inquiry, Sibley's Wood, Chalfont St Peter (acted for the Local Planning Authority in October 2003) (1 week inquiry).
- Definitive Map Modification Order Inquiry in Hertfordshire (acted for the Landowner in August 2003) (1 week inquiry).

RECOMMENDATIONS

Environment

"Very approachable, and a good communicator." Legal 500 2015

"He makes himself available and gives really practical advice." Chambers & Partners 2015

"Gets on top of the background material, and is also very calm and has an excellent sense of perspective" Legal 500 2014

"He is a straightforward, modern, client-facing barrister. He has no airs or graces, and is an informal and effective communicator who has great experience." Chambers & Partners 2014

"formidable intellect...very personable style...excellent with clients and experts, and is always prepared to put himself out." Chambers & Partners 2013

"always a pleasure to work with" Chambers & Partners 2012

"excellent client skills" Chambers & Partners 2012

"...engages with solicitors and clients in such a manner that they feel they're getting an extremely special service." Chambers & Partners 2011

"commercially astute and a pleasure to work with," Chambers & Partners 2010

"His skills are developing rapidly" Chambers & Partners 2009

"...possesses all the competence and commercial know-how that clients require from a commercial barrister..." Chambers & Partners 2008

"...excellent junior..." Legal 500 2008

"...extremely bright...[possessing] the focus and dedication to carve a great name for himself." Chambers & Partners 2006

Planning

"Very approachable, and a good communicator." Legal 500 2015

"His ability to get to the heart of issues without undue prevarication is refreshing, and his cross-examination has real bite." Chambers & Partners 2014

"...very clever, knowledgeable, approachable and practical" Chambers & Partners 2013

"...gives excellent advice and adds considerably to cross-examination and pre-inquiry debate" Legal 500 2013

"well respected for his contentious planning abilities" Chambers & Partners 2012

"...both approachable and extremely capable. In cross-examination, he is able to find the killer punch but also knows when to let an issue be". Legal 500, 2011

"..a promising junior with an outstanding track record in wind farm inquiry work." Chambers & Partners 2011

"He is always exceptionally well prepared, and so there are never any gaps in his knowledge. He is also a powerful cross-examiner." Chambers & Partners 2010

"hard-working attitude and directness" Chambers & Partners 2009

"a growing force in the market" Chambers & Partners 2009

"very bright up-and-coming planning barrister" Chambers & Partners 2008

"...very good at inquiry... really good stuff" Chambers & Partners 2007

Energy

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

Administrative and public law

"He produces clear and concise written submissions in cases involving considerable amounts of factual and legal detail." Legal 500 2015

APPOINTMENTS

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)

United Kingdom Environmental Law Association Council Member

Former Judicial Assistant to the Court of Appeal (Judicial Assistant to Lord Justice Konrad Schiemann (as was))

MEMBERSHIPS

- Planning and Environment Bar Association
 - National Infrastructure Planning Association
 - Administrative Law Bar Association
 - The UK Environmental Law Association (Council Member and Trustee)
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QUALIFICATIONS

Inner Temple Pegasus Scholar: 2000

Gray's Inn Prince of Wales Scholar: 1998

Diplomas in Law (City University) and EC Law (King's College, London): 1996

MA Hon. Spanish & European History, First Class with Distinction (finished 1st in year), University of Edinburgh: 1990-1994

Trained and Accredited Mediator

Trained and Accredited Pupil Supervisor

ADDITIONAL INFORMATION

Publications

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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