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Conor Fegan

Call: 2018 [Public Access](#)

Practice areas:

Planning, Environment, Public Law, Local Government,
Highways, Commons and Open Spaces, Compulsory
Purchase and Compensation, Major Infrastructure Projects



Practice Profile

Conor accepts instructions across Chambers' specialisms in planning, environmental and public law. He acts for a wide range of clients including central and local government, utility companies, national interest groups and charities, developers and landowners, and local residents. He is frequently instructed to appear both led and unled in judicial review proceedings and in planning inquiries and hearings. He has a busy advisory practice.

He has particular expertise in the agricultural, residential, energy, renewables, and retail sectors. He has rapidly established a busy local plan practice. Over the last twelve months alone has promoted three local plans at independent examination and advised six other councils on their emerging local plans. He is particularly sought after for his judicial review work and has appeared twice before the Court of Appeal and once before the Supreme Court over the last twelve months in high profile judicial reviews.

Conor is also called to the Bar of Northern Ireland. Details of his experience in Northern Ireland can be found below and on the **Bar Library website**.

Notable examples of his recent and ongoing work include:

Judicial Review

- acting as junior counsel on behalf of the successful respondents in a claim challenging the decision of the United Kingdom Government to provide export finance in relation to the Area 1 liquefied natural gas facility in *Mozambique (R (Friends of the Earth) v Secretary of State for International Trade and Ors* [2023] EWCA Civ 14);
- acting as junior counsel on behalf of the appellant in the challenge to the Natural England nitrate neutrality guidance (*R (Wyatt) v Fareham Borough Council* [2022] EWCA Civ 983);
- acting as sole counsel in a number of planning challenges including for an interested party developer to defend a judicial review against the grant of planning permission for a mixed-use, residential-led development in a World Heritage Site (*R (Walker) v Bath and North East Somerset Council* [2020] EWHC 1836 (Admin)) and for the claimant in an ongoing challenge to a storage and distribution facility in the open countryside (*R (Gendy) v Central Bedfordshire Council* (CO/2077/2022));
- acting as junior counsel on wider public law matters including a challenge to a street trading policy (*R (Poole) v Birmingham City Council* [2021] EWHC 1198 (Admin)) and a challenge to the lawfulness of guidance issued by the Parole Board (*R (Pearce) v Parole Board* [2022] EWCA Civ 4).

Inquiries and Hearings

- acting as sole counsel promoting three local development plans at independent examination over the last twelve months;
- acting as sole counsel for the developer securing planning permission for a paragraph 79 inspired dwelling in the New Forest on appeal (APP/B9506/W/19/3242767);
- acting as sole counsel on behalf of a third party objector group during the latest public inquiry into the A5 Western Transport Corridor (the largest infrastructure public in

Northern Ireland at an estimate cost of over £1 billion);

- acting as sole counsel successfully resisting an appeal against the refusal of planning permission for 100 residential units on habitats grounds related to increased nitrates in the Solent (APP/A1720/W/19/3225866);
 - acting as sole counsel successfully resisting an appeal against the refusal of planning permission for residential development on grounds relating to design, impact on character, and impact on a heritage asset (APP/Y3615/W/20/3265828);
 - acting as sole counsel for a developer in an ongoing appeal against the refusal of planning permission and listed building consent for residential development in London raising issues of heritage impact and viability (APP/A5270/W/3300120).
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Planning

Conor has a busy planning practice. He acts for a range of clients including developers, central and local government, national interest groups and charities, and local residents. He has experience across a range of sectors, in particular the agricultural, residential, energy, renewables, and retail sectors.

Conor is particularly well regarded for his judicial review work. Recent experience includes:

- acting as junior counsel on behalf of the successful respondents in a claim challenging the decision of the United Kingdom Government to provide export finance in relation to the Area 1 liquefied natural gas facility in Mozambique (*R (Friends of the Earth) v Secretary of State for International Trade and Ors* [2023] EWCA Civ 14);
- acting as sole counsel for the claimant in an ongoing challenge to a storage and distribution facility in the open countryside (*R (Gendy) v Central Bedfordshire Council* (CO/2077/2022));
- acting as junior counsel on behalf of the appellant in the challenge to the Natural England nitrate neutrality guidance (*R (Wyatt) v Fareham Borough Council* [2022] EWCA Civ 983);
- acting as sole counsel for an interested party developer to defend a judicial review against the grant of planning permission for a mixed-use, residential-led development in a World Heritage Site (*R (Walker) v Bath and North East Somerset Council* [2020] EWHC 1836 (Admin));
- acting as junior counsel on behalf of the successful claimants in a challenge brought by a local residents group to a grant of planning permission for residential development (*R (Save Warsash and the Western Wards) v Fareham Borough Council* [2021] EWHC 1435 (Admin));
- acting as junior counsel for Aldi successfully resisting a claim for judicial review brought by Tesco Stores Limited at the permission stage;
- acting for a number of local authorities, successfully resisting proposed challenges at the pre-action stage and the permission stage.

Conor is frequently instructed to appear in planning inquiries and hearings. Recent experience includes:

- acting as sole counsel for a developer in an ongoing appeal against the refusal of planning permission and listed building consent for residential development in London raising issues of heritage impact and viability (APP/A5270/W/3300120);

- acting as sole counsel securing planning permission for a paragraph 79 inspired dwelling in the New Forest on appeal (APP/B9506/W/19/3242767);
- acting as sole counsel securing a certificate of lawfulness for the use of a building as a dwelling in the New Forest on appeal (APP/B9506/X/19/3243817);
- acting as sole counsel resisting an appeal against the refusal of planning permission for 100 residential units on habitats grounds related to increased nitrates in the Solent (APP/A1720/W/19/3225866);
- acting as sole counsel resisting an appeal against the refusal of planning permission for residential development on grounds relating to design, impact on character, and impact on a heritage asset (APP/Y3615/W/20/3265828);
- acting as sole counsel successfully resisting an appeal against the refusal of planning permission for 100 residential units on habitats grounds related to increased nitrates in the Solent (APP/A1720/W/19/3225866).

Conor is also asked to advise on a range of planning matters in writing and in conference. Recent experience includes:

- advising Guildford Borough Council on the determination of major applications, including Garlick's Arch (500 dwellings), Weyside Urban Village (1,550 dwellings) and the former Debenhams site (184 dwellings);
- advising several local authorities on issues relating to nitrate neutrality;
- advising the Department for Levelling Up, Housing and Communities on a range of matters, including special development orders and legislative reform.

Environment

Conor has particular expertise in environmental law. Many of the cases which he has been involved in have raised issues under The Conservation of Habitats and Species Regulations 2017 and The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Recently, many of his cases have raised climate change related issues, in particular under the Paris Agreement.

Recent examples of his advocacy in this area include:

- acting as junior counsel on behalf of the successful respondents in a claim challenging the decision of the United Kingdom Government to provide export finance in relation to the Area 1 liquefied natural gas facility in Mozambique (*R (Friends of the Earth) v Secretary of State for International Trade and Ors* [2023] EWCA Civ 14);
- acting as junior counsel on behalf of the appellant in the challenge to the Natural England nitrate neutrality guidance (*R (Wyatt) v Fareham Borough Council* [2022] EWCA Civ 983);
- acting as junior counsel on behalf of the successful claimants in a challenge brought by a local resident group to a grant of planning permission for residential development (*R (Save Warsash and the Western Wards) v Fareham Borough Council* [2021] EWHC 1435 (Admin));
- acting as sole counsel resisting an appeal against the refusal of planning permission for 100 residential units on habitats grounds related to increased nitrates in the Solent (APP/A1720/W/19/3225866);

- acting as sole counsel on behalf of a third party objector group during the latest public inquiry into the A5 Western Transport Corridor. The latest inquiry focused on the revised environmental impact assessment and included four days of hearings on environmental issues ranging from air quality to flooding.

Conor is also asked to advise on a range of planning matters in writing and in conference.

Recent experience includes:

- advising several local authorities on issues relating to nitrate neutrality;
- providing developers with strategic advice on large and complex planning applications and appeals;
- providing objectors with strategic advice at the planning application stage;
- advising on the lawful approach to assessing the impacts from ammonia and nitrogen deposition;
- issues relating to emerging renewable energy technology.

Public Law

Conor is experienced in public law matters. He has a varied public law practice which complements his core planning and environmental law practice. He acts for a range of claimants and interested parties, as well as local and central government defendants.

Alongside the judicial review experience listed above, examples of his work in this field include:

- acting as junior counsel for the claimant in a challenge to a street trading policy (*R (Poole) v Birmingham City Council* [2021] EWHC 1198 (Admin));
- acting as junior counsel for the Parole Board in an ongoing challenge to the lawfulness of guidance issued in respect of allegations (*R (Pearce) v Parole Board* [2022] EWCA Civ 4);
- advising on the power to charge top up fees for care provided under section 117 of the of the Mental Health Act 1983;
- acting as sole counsel in a successful appeal against the refusal of funding for continuing healthcare;
- advising a potential claimant on the grounds for challenging a proposal to relocate a local library.

Conor has particular expertise advising on issues arising under the Human Rights Act 1998 and the Equality Act 2010. He has recently been involved in advising on post-Brexit, retained EU law matters. He is often asked to advise on broad public law matters such as questions of vires, the need for and adequacy of public consultations, and the duty to give reasons.

Local Government

Conor is frequently asked to advise on local government law. He acts for both local authorities and other parties. He has advised on matters as varied as the imposition of parking charges, the investigation of allegations of corruption made by elected members against senior officers, questions of bias, highways related matters, local governance finance, street trading, and

general issues of vires.

Highways, Commons and Open Spaces

Compulsory Purchase and Compensation

Major Infrastructure Projects

Local Development Plans

Conor has considerable experience of promoting local development plans. Over the last twelve months alone he has promoted three local developments at independent examination and advised six others on their emerging local plans. The vast majority of his local plan work is unled.

As well as representing local authorities at independent examination, he has experience of advising local authorities on the preparation and adoption of their local development plans. He is often instructed by local authorities early in the local development plan process to assist them with the various legal and policy issues which arise during the process.

Further details of his local plan experience can be obtained on request.

Northern Ireland

Conor has a busy and varied planning, environmental and local government practice in Northern Ireland. He has acted for a majority of the local councils and has a large number of clients in the private sector. He also acts for residents, interest groups, and charities. Conor frequently appears before the Planning Appeals Commission. His advice on planning, environmental, and local government matters is also frequently sought.

Conor has particular expertise in the local development plan process under the Planning Act (Northern Ireland) 2011. He promoted local development plans on behalf of Fermanagh and Omagh District Council, Antrim and Newtownabbey Borough Council, and Mid and East Antrim Borough Council at independent examination. His experience in this area means that he is well placed to advise on all aspects of the plan process, including the preparation of local development plans and representation at independent examination hearing sessions.

Conor also has expertise in a wide range of development management matters, both for local authorities and private clients. He is often instructed to advise on strategy or to address specific

legal issues which arise during the development management process. He is often instructed to appear before the Planning Appeals Commission.

Some examples of his work in development management include:

- acting as sole counsel on behalf of the Alternative A5 Alliance during the latest public inquiry into the A5 Western Transport Corridor;
- acting as sole counsel for a local authority in an appeal against the refusal of reserved matters approval for residential development (2020/A0081);
- acting as sole counsel for a local authority in an appeal against the refusal of planning permission for twenty-one residential units on the Northern Ireland coast (2019/A0071);
- acting as sole counsel for a local authority in an enforcement appeal against an enforcement notice served in connection with an anaerobic digester located in the open countryside in Northern Ireland (2019/E0034);
- acting as sole counsel for a developer in an appeal for the retention of an agricultural lagoon (2020/A0059);
- acting as sole counsel for local residents in a complex appeal against an enforcement notice served in connection with an anaerobic digester located in the open countryside (2018/E0003);
- acting as sole counsel for Royal Portrush Golf Club obtaining planning permission at committee against the recommendation of officers and statutory consultees (LA01/2017/0539/F);
- acting as sole counsel for JMW Farms obtaining planning permission at committee for a pig farm (LA03/2018/0185/F);
- appearing before council planning committees on behalf of both applicants and objectors on a number of other planning applications;
- assisting in drafting representations in response to major infrastructure projects including the A6 and sand dredging at Lough Neagh.

Conor is often asked to give advice on a range of planning, environmental and public law, and local government law matters. He is often called on to advise local authorities on complex planning applications. Examples of this advisory work include:

- the lawful approach to assessing the impacts from ammonia and nitrogen deposition;
- the lawful approach to cumulative impact assessment;
- the lawful approach to sequential and retail impact assessments;
- issues arising under the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 and the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995;
- issues relating to emerging renewable energy technology;
- local government decision-making, including questions of vires and local government finance;
- the interpretation of planning policy (including the SPPS and the suite of PPSs (in particular PPS 21)).

Conor also has a busy judicial review practice for both claimants and defendants. He has considerable experience at the pre-action stage, particularly for local authorities resisting proposed challenges. He is instructed in a number of ongoing challenges, including a challenge to the Islandmagee Gas Caverns project and a challenge to a Combined Heat and Power Plant at Kilroot.

Qualifications

- Durham University, Law (First Class Honours / Top 1% of Cohort) (2014 - 2017)
 - BPP University Law School, Bar Professional Training Course (Outstanding) (2017 - 2018)
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Scholarships, Awards and Other Experience

Bar Awards & Scholarships

- Prince of Wales Scholar (Gray's Inn) (2017)
- Excellence Scholarship (BPP University Law School) (2017)
- Michael Sherrard Access to the Bar Award (Middle Temple) (2016)

University Awards & Scholarship (Durham University)

- Academic Commendation (x 3) (Durham Law School) (2014 - 2017)
- Sullivan & Cromwell Award for Performance in Second Year Examinations (Durham Law School) (2016)
- Advanced Issues in Public Law Award (Durham Law School) (2016)
- Land Law Award (Durham Law School) (2016)

Secondary School Awards & Scholarships (St Colman's College, Newry)

- All-Ireland Scholarship (JP McManus) (2017)
- Gradam an Uachtaráin - President's Cup (St Colman's College) (2017)

Other Experience

Conor won a number of debating and mooting competitions throughout his time at school and university. He also served as President of Durham University Mooting Society in his final year at Durham University. He has also lectured on the MSC in Construction Law and Dispute Resolution at King's College London on 'Environmental Law in Construction'. He regularly delivers lectures to clients on planning and environmental law issues.

Publications

- 'Judicial Review in Planning and Environmental Cases in Northern Ireland — A Guide for Litigants in Person' [2019] (with Monye Anyadike-Danes KC, Richard Honey BL and Anurag Deb)
- 'The (Underutilised) Role of Mediation in Licensing' (with Jeremy Phillips KC) [2019] Journal of Licensing
- 'Supreme Court Adjourns Devolution issues Reference (Attorney General for Northern Ireland's Reference of Devolution Issues to the Supreme Court pursuant to Paragraph 34 of Schedule 10 to the Northern Ireland Act 1998 (No 2) (Northern Ireland))' (with Gregory Jones KC & Richard Honey KC) [2019] Lexis PSL Public Law Analysis

- 'Case Comment: Attorney General for Northern Ireland & The Department for Justice v The Northern Ireland Human Rights Commission [2017] NICA 42' [2017] YHLR 20
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Professional Memberships

- Administrative Law Bar Association (ALBA)
- Planning and Environment Bar Association (PEBA)

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