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## Michael Feeney

Call: 2021

Practice areas:

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



## Practice Profile

Michael was called to the Bar in 2021 and completed Pupillage under the supervision of Isabella Tafur, Gregory Jones KC and Craig Howell Williams KC. Michael welcomes instructions across all of Chambers' practice areas.

Michael's recent experience includes appearing as sole counsel on behalf of a local planning authority at an enforcement appeal raising issues relating to the Habitats Regulations; advising on the correct approach to fall-back positions; advising on setting aside liability orders for business rates; appearing in several reviews and summary reviews of premises licences; and assisting Craig Howell Williams KC as junior counsel at a two-week planning inquiry concerning an application for outline permission for up to 2,800 residential units; appearing as sole counsel for a local authority defending a prosecution under s82 Environmental Protection Act 1990; and acting as junior counsel for National Highways Ltd in successful injunction proceedings relating to the Just Stop Oil protests on the M25. Michael is also instructed as sole counsel in an upcoming Town & Village Green non-statutory public inquiry.

Michael assisted at several planning inquiries throughout pupillage, including an inquiry concerning a substantial residential development and the flooding sequential test as well as an inquiry considering the merits of a new Burger King, which raised issues connected to design, highways and public health.

Michael is a member of the Attorney General's Junior Junior Scheme and during pupillage assisted with defending several judicial reviews by drafting skeleton arguments for claims concerning supplementary planning documents, the interpretation of planning policy and procedural fairness. Michael is currently instructed as junior counsel in a s.288 statutory review challenge and has also assisted in s.288 and s.289 challenges concerning the Green Belt, advertisement consent and procedural time limits. Michael has also written an Advice on how fallback positions should be considered by local planning authorities.

Michael has written two articles in the Journal of Licensing, one on Sexual Entertainment Venues and the Public Sector Equality Duty (along with Jeremy Phillips KC) and one on the Principle of Regularity.

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## Planning

Michael acted as junior counsel for a local planning authority at a two-week inquiry concerning an outline application for up to 2,800 residential units in tall buildings. Michael has also appeared on behalf of a local planning authority at an enforcement appeal that raised many issues, including enforcement time limits, the Habitats Directive and the Environmental Impact Assessment Directive.

Michael has assisted at an inquiry in which permission was refused for redevelopment of a police station as a Burger King Drive-Thru. The main issues at the inquiry included design, living conditions, highways, and permitted development rights.

Michael also assisted at a planning inquiry concerned with the correct interpretation and application of the flooding sequential test and a planning inquiry addressing issues of landscape

and 5YHLS in the context of an emerging local plan.

Michael has helped draft skeleton arguments for judicial review claims concerning supplementary planning documents, the interpretation of planning policy, and procedural fairness. Michael is currently instructed as junior counsel in a s.288 statutory review challenge and has also assisted in s.288 and s.289 challenges concerning the Green Belt, advertisement consent and procedural time limits. Michael has also written an Advice on how fallback positions should be considered by local planning authorities.

Michael has written draft Advices on confidentiality during planning inquiries, the legality of a planning condition concerning highways, the difference between a supplementary planning document and a development plan document, Certificates of Lawfulness in a Listed Buildings context and the Radiation (Emergency Preparedness and Public Information) Regulations 2019.

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## Environment

Michael helped draft an Order 53 Statement for a Northern Ireland judicial review claim in respect of consents to allow for the creation of underground gas caverns. The claim raises issues concerning the Habitats Regulations, the correct approach to assessing the environmental effects of decommissioning, and cross-cutting.

Michael is currently instructed as sole counsel on behalf of a local authority to defend a prosecution brought under s82 EPA 1990. Michael has also drafted research notes on statutory nuisance and the correct approach to 'Best Practicable Means'. Michael has also written draft Advices and research notes on the precautionary principle, the application of the Habitats Regulations for permitted development, the approach taken towards decommissioning in DCOs and the prospects of success for a potential claim against the Environment Agency.

Michael has written draft Advices and research notes on the precautionary principle, the application of the Habitats Regulations for permitted development, the approach taken towards decommissioning in DCOs and the prospects of success for a potential claim against the Environment Agency.

Michael is a regular contributor to the FTB Environmental Law Blog.

During the course of pupillage, Michael has attended local plan examination hearings, DCO Hearings, and conferences on compulsory acquisition strategy. Michael has also written draft pre-action letters concerning disclosure in judicial review claims.

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## Licensing

Michael has been instructed for several review hearings and five summary review hearings of premises licences, including high-profile reviews receiving local media coverage. Michael has also successfully appeared on behalf of applicants for new premises licences.

Michael has also written an [article](#) with Jeremy Phillips KC on Sexual Entertainment Venues and

the Public Sector Equality Duty. Michael has also written an article on the Principle of Regularity in the licensing context, which was published in the Journal of Licensing this year.

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## Public Law

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## Compulsory Purchase and Compensation

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## Local Government

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## Highways, Commons and Open Spaces

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## Major Infrastructure Projects

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## Qualifications

- Bar Professional Training Course. Distinction
  - GDL, Oxford Brookes University. Distinction
  - MA History, The University of Chicago. 4.0 GPA
  - MSt History, New College, University of Oxford. Distinction
  - BA History, New College, University of Oxford. First in Finals and Distinction in First Year Examinations
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## Academic Awards, Scholarships and Prizes

- Residential Scholarship, Gray's Inn
  - Prince of Wales Scholarship, Gray's Inn
  - Michael Beloff Essay Prize
  - City Law School Scholarship for Academic Excellence
  - Tatjana Finkelstein GDL Scholarship, Gray's Inn
  - Neubauer Family Distinguished Doctoral Fellowship, University of Chicago
  - Social Sciences Fellowship, University of Chicago
  - New College Scholarship for performance in First Year Examinations
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## Mooting, Debating and other Advocacy Experience

- Semi-finalist in the Gray's Inn Moot Competition
- Winner Oxford Brookes University internal mooting competition judged by Richard Benson KC.
- Represented Oxford Brookes University university in the ESU-ECC National Mooting Competition.

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## Publications

- "The Principle of Regularity- some reflections", Journal of Licensing
- "[Sexual Entertainment Venues and the Public Sector Equality Duty](#)" (with Jeremy Phillips KC), Journal of Licensing
- [The Office for Environmental Protection: Strategy, Enforcement and early actions](#), FTB Environmental Law Blog
- [Nature Recovery Green Paper: Protected Sites and Species](#), FTB Environmental Law Blog
- *R (Richards) v Environment Agency* [2022] EWCA Civ 26: A Return to Normalcy, FTB Environmental Law Blog.
- Michael Beloff Essay: "Judicial Review Reform: The Government Response to the Independent Review of Administrative Law", Gray's Inn Student Law Journal

## Membership

- Planning and Environment Bar Association
- UK Environmental Law Association

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## Other Work Experience

- Non-fiction Reader at The Chicago Review, September 2018-June 2019
- English Teacher, Benedict School, Carpi, Italy, September 2017-July 2018
- HR Assistant, Institute for Advanced Study, Princeton, NJ, USA, July-August 2015
- Research Assistant, Institute for Advanced Study, Princeton, NJ, USA, July-August 2014

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