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## Simon Bird KC

Call: 1987 QC: 2009 [Public Access](#)

Practice areas:

Planning, Major Infrastructure Projects, Compulsory Purchase and Compensation, Environment, Public Law, Local Government, Rating



## Practice Profile

Simon is Head of Chambers.

Simon specialises in Planning, Environment, Compulsory Purchase and Compensation and Major Infrastructure Projects.

He is a member of the Planning and Environmental Bar Association the National Infrastructure Planning Association and the Parliamentary Bar Mess

Simon's past and present clients include major national house builders, port operators, international oil companies, airports, National Grid, rail freight operators, waste companies, hotel chains, executive agencies of Government, many local authorities and private clients. He has an extensive advisory, inquiry and advocacy practice.

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## Planning

Simon continues to be involved in a wide variety of schemes throughout all stages of their progress including advising on the content of Environmental Statements, Habitats Regulations Assessment and application supporting documents. He also regularly advises local planning authorities on the legal soundness of officer reports to committee in relation to contentious proposals prior to their presentation to Committee.

His present inquiry/hearing/examination instructions include the promotion of two Local Plans, including the Greater Norwich Local Plan, resisting proposals for large scale housing development on Green Belt sites in Buckinghamshire and Hertfordshire and promoting office development on Cambridge. He has significant recent experience in promoting strategic storage and distribution and developments in or likely to affect sensitive areas including within the settings of Listed Buildings, in Conservation Areas and in proximity to European Sites.

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## Major Infrastructure Projects

Simon has considerable experience in promoting DCOs and in objecting to them. He promoted the Thorpe Marsh Gas Pipeline DCO and the Aquind Interconnector DCO and appeared in Parliament at the Joint Select Committee Hearing into the Able Marine Energy Park DCO. He has advised objectors to other energy DCOs including the Sizewell C DCO.

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## Compulsory Purchase and Compensation

Simon is experienced in the promotion of Compulsory Purchase Orders on behalf of acquiring authorities. Most recently he successfully promoted the Congleton Link Road CPO and the Poynton Relief Road CPO on behalf of Cheshire East Council.

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## Environment

Simon has considerable experience in advising developers and local authorities on the developments in or new sensitive environmental sites and on the legal adequacy of the assessments of the effects of development undertaken under the Conservation of Habitats and Species Regulations 2017. This includes advising on matters relating to water and nutrient neutrality, nitrogen deposition and other air quality effects on ecological sites and recreational disturbance. He has advised on the legal adequacy of policy frameworks, strategic mitigation schemes and individual scheme specific mitigation proposals.

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## Public Law

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## Local Government

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## Rating

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## Cases of Note

### Infrastructure

- Promoting the Aquind Interconnector DCO
- Advising objectors to Sizewell C DCO
- Promoting the Congleton Relied Road Compulsory Purchase Order and Side Roads Order on behalf of Cheshire East Borough Council
- Appearing before the HS2 House of Commons Select Committee on behalf of the Rail Freight Group, D B Schenker and other in support of their petitions against the draft HS2 Bill
- The promotion of the Thorpe Marsh Gas Pipeline DCO on behalf of Thorpe Marsh Power Ltd
- Appearing on behalf of Able Humber Ports Ltd before a Joint Committee of the House of Lords and House of Commons successfully to resist ABP's petitions, under Special Parliamentary Procedure, for amendment to the Able Marine Energy Park Development Consent Order.
- Represented Powys County Council at the inquiry into five windfarms schemes of national importance at Llandinam, Llaithddu, Llanbadarn Fynydd, Carnedd Wen and Llanbrynmair.
- The promotion of the Tees Crossing Replacement scheme, the reinforcement of the Ferrybridge Ring at Bramham, and a tunnel project; all for National Grid.
- Advising Plymouth City Council on the proposals for their Sub-Regional Energy from Waste

plant at HM Devonport Dockyard. Simon also acted for Cardiff City Council in defence of its decision to grant planning permission for an incinerator within the City.

- Representing Rushmoor Borough Council at an inquiry into increased flights at Farnborough Airport and Biggin Hill Airport at an inquiry into new business aviation hangar. Appearing for Coventry City Council at the Coventry Airport inquiries into new passenger terminal facilities at the airport.
- Appearing for South Bucks District Council at the inquiry into Pinewood Studios proposals for expansion known as the Pinewood Studios Development Framework. He previously appeared at the inquiry into the Studio's previous proposals for "Project Pinewood".

## Residential

- Appeared for Brent Council successfully to support the major regeneration development at Wembley Park Station
- Appeared for Basron Developments Ltd successfully promoting the redevelopment of the former Basingstoke Town Football Club stadium for housing and care home development
- Resisting proposal for large scale housing development in the Green Belt at Beaconsfield, Lt Chalfont, Buckinghamshire and Tring, Hertfordshire
- Currently instructed in relation to two Local Plans on behalf of promoting authorities proposing large scale housing development including new settlements and by a number of objectors to Local Plans in various parts of the country both supporting and opposed to development
- Promoting a retirement village at Gradwell Park, Sussex on behalf of Retirement Villages Ltd
- Represented East Cambridgeshire District Council at the inquiries into new settlements at Westmere, Cambourne as well as the Mereham New Settlement proposal for 5000 dwellings.
- Appeared for Ipswich Borough Council to oppose Mersea Homes' proposals for the extension of the town into the Ipswich Northern Fringe.

## Waste

- Advising the North London Waste Partnership on the now adopted North London Waste Plan
- Advising Plymouth City Council and Cardiff City County Council on proposals for energy from waste plants within their areas
- Appeared for the Lidsey Landfill Company at an inquiry into their proposals to an extension to the Lidsey landfill site.
- Appeared for South Norfolk District Council at the inquiry into Norfolk County Council's proposals for a landraise site at Hardwick Airfield, Norfolk.
- Represented the Royal Horticultural Society at the Surrey County Council Waste Core Strategy in opposition to proposals for an incinerator at Wisley Airfield.

## Heritage Assets

- Represented the Burghley House Preservation Trust at an inquiry into their proposals for a high tech development just outside the Park and within the setting of Stamford.
- Represented Waltham Forest District Council at the inquiry into the Universal Church of the Kingdom of God's proposal to convert the Grade I EMD cinema in Walthamstow into a place of worship.
- Represented Elmbridge Borough Council in the High Court and Court of Appeal in defence

of their decision to grant planning permission for the redevelopment of the Jolly Boatman site within the setting of Hampton Court Palace (see *Garner v Elmbridge Borough Council* [2011] EWCA Civ 891)

- Represented Tendring District Council in defence of its refusal of planning permission for enabling development to contribute towards the restoration of St Osyth Priory, a Grade I listed building.
- Appeared for Hart District Council successfully to resist the residential redevelopment proposals of the former Police Staff Training College, Bramshill; a Grade I Listed Jacobean Mansion sitting within a Registered Park and Garden

#### Development Plans

- Appeared on behalf of Bedford, West Northamptonshire Council, Ipswich, Cheltenham Gloucester and Tewkesbury, Camden and Stevenage at the examinations of their Local Plans.
- Simon is currently advising three local planning authorities at various stages in their Local Plan preparation.

#### Community Infrastructure Levy

- Advised London Borough of Camden on their CIL Charging Schedule and appeared at the CIL examination on its behalf
- **Advised Bedford and Plymouth on their draft charging schedules**

#### High Court

Cases include:

- *Robinson v SSCLG* [2016] EWHC 634 (Admin) on behalf of various charities, successfully defending the decision of the Secretary of State's Inspector to grant planning permission for residential development against a "mistake of fact" challenge based on the omission of the local planning authority to provide the Inspector with its most up to date assessment of housing land supply
- *Ellaway v Cardiff CC* [2014] EWHC 836 (Admin) appearing successfully to defend Cardiff County Council's grant of planning permission for Viridor's Energy from Waste facility within the City.
- *R (oao) Roberts v Elmbridge Borough Council* [2013] EWHC 2107 appeared for the Council to defend its decision to discharge planning conditions attached to the planning permission for the redevelopment of a brownfield site directly opposite Hampton Court Palace.
- *R(oao Stevenage Borough Council) v SSCLG* [2011] EWHC 3136 represented North Hertfordshire District Council in an important case relating to the powers of an inspector to find a development plan document unsound.
- *R(oao Garner) v Elmbridge Borough Council* [2011] EWCA Civ 891 represented Elmbridge Borough Council concerning the adequacy of its discharge of the duty under section 66(1) of the Listed Buildings and Conservation Areas Act 1990.
- *Ashwell Property Group v Cambridge City Council* [2008] EWCA Civ 1151 appeared for the City Council successfully to defend a challenge to the adoption of their Local Plan.
- *Ramblers Association v Coventry City Council* [2009] 1 All ER 130 appeared for Coventry City Council in the first challenge to a gating order made under the Highways Act 1980.
- *R (oao Plimsoll Shaw Brewer) v Three Rivers District Council* [2007] EWHC 1290 (Admin) appeared for the planning authority in an important case relating to the making of tree

preservation orders.

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## Qualifications & Appointments

- LLB(Hons)
  - Judge of the First Tier Tribunal, General Regulatory Chamber including Environment and Asset of Community Value appeals
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## Publications

- Aviation and Planning Policy - Current and Future Flight Paths [2012] JPL 105
  - The NPPF - Panacea, Pariah or Placebo JPL Occasional Papers 2013
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## Quotes

*"Simon provides a considered view taking into account the commercial context in a very short space of time. He is also a pleasure to deal with on a day-to-day basis."*  
*Chambers and Partners, 2023*

*"A top silk."*  
*Chambers and Partners, 2023*

*"He has an easy, relaxed and calm approach. More than a safe pair of hands."*  
*Chambers and Partners, 2023*

*"Simon is very assured and calm with a wealth of experience. He takes a measured approach to analysis and the determination of next steps, and is very mindful of the competing objectives of the client and the project. His advocacy is particularly smooth, with Simon being completely able to take the lead on matters during an examination and to provide confidence to the panel and his team."*  
*Legal 500, 2023*

*"He is absolutely superb and a brilliant cross-examiner." "Simon is very impressive - he is able to simplify what is very complex and is excellent with clients."*  
*Chambers and Partners, 2022*

*"Simon can make the most complex problems sound simple and easy to understand. He is a great choice for clients. Very commercial and focused on the things that really matter." "He is really calm, measured and very accessible. He makes himself available and is a team player; he takes into account the views from the team and is just a pleasure to work with."*  
*Chambers and Partners, 2017*

*"Runs a terrific practice which focuses on planning, local government, administrative and environmental law."*

*Who's Who Legal UK Bar, 2016*

*"He is very client-facing and a new breed of senior barrister; he is very clever, very well prepared and always comes in with an agenda and notes". "He is a very genuine advocate, motivated to win a case but not in an aggressive or egotistical way".*

*Chambers and Partners, 2016*

*"A very smooth and efficient advocate with an unbelievable command of an immense volume of information."*

*Chambers and Partners, 2015*

*"He provides practical, non nonsense advice that is delivered in a friendly manner".*

*Chambers and Partners, 2015*

*"A real gentleman and a team player who gives very strong, business focussed advice".*

*The Legal 500*

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