

Richard Kimblin KC

Call: 1998 | Silk: 2016

"Richard has a calm and measured style with the clients and in court. He can distil information to clients in a reassuring way. He is very commercial and creative with challenges."

Legal 500 2024 – Planning and Environment



Richard Kimblin KC is described in the Legal 500 as a 'Tier 1' silk: "An exceptional talent with a formidable intellect." His skill set is in:

- Vigorously and forensically testing and clarifying technically and legally complex issues and resolving them in order to advance the client's objectives;
- Assimilating and marshalling large amounts of material for inquiries and trials, leading the project team to deliver value;
- Exchanging experience between areas of work: inquiry to court; court to inquiry; one jurisdiction to another, having a very wide range of experience of cases of the most substantial kind and wider significance.

He believes very strongly in truly independent advice and fearless advocacy for any client, no matter what their role or interest.

Notable work during the last 12 months includes:

- **Supreme Court** – (Wolverhampton v Persons Unknown) infrastructure; injunctions; protest; persons unknown
- **Court of Appeal** – (Cuciurean) human rights; fair trial; contempt
- **Planning Court** – (Cameron) quashing a consent for major development on six grounds; defending important infrastructure to support an allocation for 6000 dwellings
- **Appeals** – (Yorkshire/Oxfordshire) a very tall industrial building; contentious amenity issues linked to strong economic and public benefit cases such as Jeremy Clarkson's appeals in respect of [Diddly Squat Farm and shop](#)
- **Advisory** – significant minerals planning, minerals rights, habitats regulations, EIA, noise, flood risk Environmental – water industry, permitting, statutory undertakers powers, offences

Expertise

Planning

Richard combines very strong practices across four areas: (1) strategic scale planning advice for major residential and infrastructure schemes; (2) long and complex public inquiry work; (3) novel issues of planning and environmental law in the Planning Court, Court of Appeal and Supreme Court, and; (4) minerals, mines and waste advice and advocacy.

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He has long been listed as a leading (Tier 1) silk in planning and environmental fields.

Energy

Richard has long experience of infrastructure schemes promoted through planning applications, specific statutory schemes such as the Electricity and Highways Acts and DCOS: the largest NSIP solar farm proposed to date; the year-long Mid-Wales windfarm inquiries: M42 Jnc 14; Mynydd y Gwynt DCO; Lancaster/Heysham – the first JR of a DCO; Dudgeon offshore grid connection; Ordsall Chord – light rail scheme for Manchester with associated heritage issues; the East-West Rail public inquiry; and a couple of canals.

Planning Judicial and Statutory Reviews

Before taking silk, he was appointed Junior Counsel to the Crown (London C, B and A Panels), appearing in many cases which are now leading cases in their area. Over thirty of his appearances have been in the Court of Appeal. He is presently instructed: on behalf of an interested party on housing requirement issues; on behalf of HS2 in the Court of Appeal's consideration of injunctive relief against persons unknown; nutrient/SAC issues; Water Framework Regulations issues.

Richard has been called to the bar in Northern Ireland. He has been appointed a Deputy High Court Judge

Major Infrastructure

Richard has long experience of infrastructure schemes promoted through planning applications, specific statutory schemes such as the Electricity and Highways Acts and DCOS: the largest NSIP solar farm proposed to date; the year-long Mid-Wales windfarm inquiries: M42 Jnc 14; Mynydd y Gwynt DCO; Lancaster/Heysham – the first JR of a DCO; Dudgeon offshore grid connection; Ordsall Chord – light rail scheme for Manchester with associated heritage issues; the East-West Rail public inquiry; and a couple of canals. He appeared most recently at the Sunnica DCO issue specific hearings in Cambridgeshire/Suffolk in respect of a substantial solar farm.

Minerals & Waste

Richard's minerals work is predominantly in advising and appearing at inquiry for contentious schemes. This is accompanied by complex advisory work on ROMPs, highways, EIA, and Mines Working Facilities and Support Act cases (MWFSA). Many of his cases have been concerned with National Parks. He has advised and appeared at public inquiry in respect of EfW and landfill cases where the issues have been Green Belt impacts, odour, air quality and need.

His work has included the full spectrum of minerals proposals: hard rock; sand and gravel; chalk; cement; high PSV sites; solution mining; precious metal; polyhalite; energy minerals including coal, fracking, onshore oil and gas, offshore gas; gas storage.

He is presently instructed in public inquiries in England and Wales where the issues include highways impacts, blasting, noise and air quality. Recent work includes successful appeals in both hard rock and S&G contexts: Craig yr Hesg ; Bow Farm (Appeal decision [here](#)).

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In the High Court, he has brought and defended judicial reviews in minerals cases. He was instructed to obtain a rare order under the MWFSa: Re York Potash Ltd [2018] EWHC 3114 (Ch) and has advised over many years in this particular niche of minerals work.

Plan-making

Richard has advised and appeared at examination in respect of many strategic sites in the bracket of 2,000 to 10,000 homes, in the urban area, the open countryside and the Green Belt. He has advised and appeared for promoters and local authorities in a wide variety of planning circumstances throughout England, eg: South Oxfordshire, Brentwood, Stockton, Gloucestershire, Guildford, Solihull.

In this context, Richard has hosted a Planning Podcast with the PINS professional lead on local plans which looks at the root causes of the [long local plan examination](#). At a more procedural level, there is a really practical episode about the insides of an examination: [here](#).

Planning Appeals

Richard thrives on working with and guiding teams through the strategic, evidential, practical and presentational stages of planning appeals, call-in inquiries and determination of objections to highways and CPO orders. That is why he wrote "[Planning Appeals – Practice and Materials](#)" (Bloomsbury 2020) which is an essential practical text for those engaged in planning appeals, hearings and inquiries.

Richard's further engagement with the appeals process is via the Planning Podcast, such as [this episode](#) on the structure of inquiries with Bridget Roswell OBE.

Richard has appeared at all scales of appeal: from events stretching over a year, to a very rare inquiry of such sensitivity that it was heard in private, to one-day hearings for particularly valuable residential proposals.

Residential

STRATEGIC SCALE RESIDENTIAL DEVELOPMENT

Richard has advised and appeared at examination in respect of many strategic sites in the bracket of 2,000 to 10,000 homes, in the urban area, the open countryside and the Green Belt. He has advised and appeared for promoters and local authorities in a wide variety of planning circumstances throughout England, eg: South Oxfordshire, Staffordshire, Brentwood, Stockton, Gloucestershire, Guildford, Solihull.

As to some of the issues which arise in strategic scale residential development, try [this episode of the Planning Podcast](#) which looks at what makes a successful new settlement. And if you are interested in land value capture and potential changes in that regard, try [this](#).

Environment

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Richard is well known for his environmental practice at inquiry, in the High Court and in environmental crime. Habitats, protected species, eutrophication and nutrients, noise and a range of other technical disciplines have been a strong element of his practice.

Richard was a Council member of the United Kingdom Environmental Law Association for 10 years and its Chair for two years. He hosts UKELA's podcast, such as this one on the approach to the [Habitats Directive](#) across jurisdictions.

Habitats, protected species, eutrophication and nutrient issues, noise and technical cases arises from retained EU law have always been a strong element of Richard's practice. Recently he appeared in R (Llandaff North Residents' Association) v Cardiff City Council [2023] EWHC 1731 on the topic of EIA in the context of waste water treatment and in Watton and Cameron v The Cornwall Council [2023] EWHC 2436 in the context of climate effects, bats and landscape policy.

Climate

Climate and carbon issues arise frequently in Richard's cases, both in the context of applications and appeals and in public law cases. For example, he recently succeeded on appeal in a minerals case in which one of the two main issues was the Council's adoption of a Climate Emergency. You can find the appeal decision [here](#).

Likewise, in the Planning Court, Richard has succeeded in a judicial review on a ground which showed that a planning authority had not approached the carbon impacts of the proposed development on a legally sound basis: Cameron.

Biodiversity Net Gain

Richard has both advised and appeared at inquiry in 2023 on important BNG issues. In particular he succeeded at appeal in respect of an employment site where the issue was off-site provision of OMH habitat on productive farmland. Viability issues and the legal security of the provision were resolved.

Environmental Assessment

Richard's has advised on EIA for schemes of all scales and types of impact. He has appeared in many screening and substantive EIA cases and in leading EIA cases such as Friends of the Earth Ltd v Secretary of State for Housing, Communities and Local Government which is concerned with strategic environmental assessment and the National Planning Policy Framework.

Nuisance

Richard has long experience of regulatory cases which are heard in the Magistrates' Court, arising from notices under statute such as the Environmental Protection Act 1990 and the appeals regulations for statutory nuisance. His experience of noise and odour cases is very extensive including four-year long litigation of odour nuisance from animal rendering and equally long resolution of the motorsport and test impacts of the Bruntingthorpe proving ground.

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Appointments

- Deputy High Court Judge

Qualifications

- BSc (Hons)
- PhD

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