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Mark Beard



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Area of expertise
[Arbitration](#)
[Planning & Environmental
Public Law](#)
[Regulatory & Competition](#)

Professional memberships
Administrative Law Bar
Association
Bar of the Eastern
Caribbean Supreme Court
Environmental Law
Foundation
Planning and Environment
Bar Association
South Eastern Circuit
UK Environmental Law
Association

Profile

Recommendations

"An exceptional barrister who is quick to get to the heart of any case."

Legal 500 [2015]

'Identified by commentators as someone to pay close attention to in the planning arena. His practice

spans a broad array of environmental and planning matters, and he regularly acts for third parties, developers and local planning authorities. Expertise: "He hones in on the practical points and is very good on the detail."

Chambers & Partners UK Bar Guide [2014]

'... highly rated by solicitors, barristers and clients, with one calling him "a strong all-rounder equally at ease as poacher or gamekeeper" ... grasping complicated issues with ease; he has an excellent instinct for getting to the heart of a case, and never loses sight of the client's objectives whilst remaining realistic as to outcomes'.

Chambers & Partners UK Bar Guide [2013]

'Mark Beard's advocacy skills at inquiry are excellent'.

Legal 500 [2013]

Appointments

Attorney General's Panel of Junior Counsel to the Crown (Civil - B Panel) (2004-09)

Education

LL.B. (Hons) - London; LL.M. - William & Mary, Virginia, USA

Practice

Mark Beard undertakes a broad range of advocacy and advisory work on behalf of developers, public authorities, interested parties and private clients. European and Human Rights law forms an integral part of his wide-ranging experience. He also has substantial experience in the regulatory aspects of planning, environmental and local government law, instructed by both the prosecution and defence in regulatory proceedings.

Adopting a friendly, straightforward and collaborative approach, Mark provides his clients with practical, realistic and cost-effective legal advice. Whether working alone or as part of a professional team, the client's priorities are always the focus of Mark's attention. As an advocate, Mark has extensive experience having appeared in courts, tribunals, public inquiries and hearings at all levels. Mark has considerable experience of judicial review and statutory challenges in the Administrative Court.

Planning

Mark Beard's planning law experience encompasses a full range of development management, policy and enforcement work. Mark is regularly instructed in cases involving proposals for housing, retail,

leisure, renewable energy and mixed-use development. He has extensive experience of cases involving housing supply, employment land, EIA, the historic environment, nature conservation, flood risk, Green Belt, agriculture, highways and travellers.

Recently Mark has been instructed in a number of cases and appeals involving housing development where a five-year supply of housing land is in dispute. Other recent work has involved proposals for retail, office, affordable housing, student housing and renewable energy development. Mark is regularly instructed to advise and appears in planning enforcement cases and is recognised as an expert in the use of planning injunctions. He regularly advises planning authorities on Human Rights law, including the Rights of the Child, and the Public Sector Equality Duty.

Mark continues to advise a number of local planning authorities on the preparation, independent examination and adoption of Local Plans and strategic planning in the absence of an up-to-date Local Plan. He also advises local planning authorities and others on the Community Infrastructure Levy, including the preparation of charging schedules, their implementation and the viability of development proposals.

Mark has promoted road improvement schemes on behalf of the Highways Agency and has considerable experience acting for the Environment Agency in cases proposing development in areas of high flood risk.

Environmental

Mark Beard's environmental law experience is also very extensive and varied, including pollution prevention and control, waste regulation and management, water quality, fisheries and all types of statutory nuisances. Mark is instructed on behalf of regulatory agencies and defendants, both corporate and individual.

Public Law

Mark Beard's experience in public law includes a wide range of work including judicial review, highway law, human rights local government powers, corporate governance, standards and ethics, public rights of way, housing, homelessness, anti-social behaviour, street trading and markets, trade descriptions, and licensing matters.

Mark lectures on wide range of topics covering public, planning, environmental and human rights law.

Notable Cases

Masma Ltd v Wealden District Council (Public Inquiry, February - April 2013) Instructed on behalf of the appellant developer in an appeal inquiry proposing housing development in the open countryside, outside Hailsham, East Sussex. Main issues included the application of the Habitats Regulation, the impact of the proposals on a European Site, the proper approach to calculating five-year housing supply, the consequences of failing to demonstrate a five-year housing supply and the application of the presumption in favour of sustainable development in cases engaging the Habitats Directive.

Norfolk Minerals and Waste Local Plan (March 2013) Instructed by Norfolk County Council to advise and appear at Independent Examination hearing sessions into the County Council's Waste Sites Allocations DPD.

Hallam Land v Daventry District Council (Public Inquiry, September 2012) Inquiry in relation to two large-scale housing schemes on adjacent sites in the open countryside outside the village of Long Buckby, Northamptonshire.

Daventry District Wind Farm Inquiries (Public Inquiries July 2010 - May 2012)

Instructed by the local planning authority in respect of five separate onshore wind energy projects involving the erection, 25-year operation and subsequent decommissioning of five wind farms in Daventry, Northamptonshire.

R (Perrett) v Secretary of State for Communities and Local Government [2009] EWCA Civ 1365 (Court of Appeal); [2009] EWHC 364 (Administrative Court)

Scope of rehearing of an enforcement notice appeal remitted to the Secretary of State.

R (Majed) v London Borough of Camden [2009] EWCA Civ 1029 (Court of Appeal)

Legitimate expectation arising from a breach of the LPA's Statement of Community Involvement.

R (Peters) v Secretary of State for Communities and Local Government [2009] EWHC 1125 (Admin)

Statutory challenge of a planning inspector's decision to refuse temporary planning permission for a travelling showpeople's site in the Green Belt and in close proximity to a Special Protection Area.

Thames Water Utilities Limited v Bromley Magistrates' Court and (1) Environment Agency (2) Water Services Regulation Authority [2008] EWHC 1763 (Admin)

Inadvertent leak of waste water from sewerage undertaker's network constitutes 'waste' for the purposes of the European Waste Framework Directive and Part II of the Environmental Protection Act 1990.

R (Bailey) v Secretary of State for Business Enterprise and Regulatory Reform [2008] EWHC 1257 (Admin)

Judicial review of Secretary of State's decision to grant consent for a renewable energy power generating station.

Oxford City Council v Secretary of State [2007] EWHC 769 (Admin)

Statutory challenge against the decision of the Secretary of State's planning inspector and disagreement with the conclusions of a previous inspector.