

Piers Riley-Smith

Year of call 2016

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Piers Riley-Smith has a varied planning, environment, licensing and highways practice.

Piers is ranked Band 2 in Chambers and Partners 2024 as a “strong planning junior” where Clients have said:

“Impressive capability in analysis and appraisal of complex issues and supporting the presentation of evidence. He has the valued ability of being able to present the case and process to clients.”

“An excellent advocate and with considerable expertise and understanding of complex areas of environmental and public law. Piers is always willing to spend the necessary time and detail in preparing fully for his tasks.”

Piers is ranked in the Legal 500 as a “Rising Star” which notes “ ‘Piers’ grasp of the detail is outstanding, his advocacy is excellent, and his cross-examination is first-rate.”

Piers is ranked 9th in the Top Planning Juniors under 35 by Planning Law Survey 2023.

Piers was appointed to the Attorney General’s Panel in 2023 and appears regularly for the Government.

Expertise

Planning and Environment

He is regularly instructed by local authorities, developers and the wider public in planning inquiries. He has also been instructed by both local authorities and developers at local plan and neighborhood plan exams. He appears in the High Court and Court of Appeal on behalf of local authorities, and private companies or developers, and local resident groups. He also accepts pro bono briefs from the Environmental Law Foundation, and he has appeared successfully in the High Court for the ELF. He has also practiced on the Isle of Man on behalf of the Government.

He is instructed in enforcement proceedings which have ranged from defending Enforcement notices in front of Inspectors to justifying s.215 notices to the Magistrates. He has been involved in securing the relatively uncommon Planning Enforcement Order and litigation and prosecution arising from Tree Protection Orders. Piers has successfully appeared in both the County Court and High Court obtaining Planning Injunctions against unlawful development.

Piers has considerable expertise in statutory nuisance. As well as numerous Abatement Appeals, he has appeared in the Magistrates Court obtaining Abatement Orders under the Environmental Protection Act and has successfully appeared in the High Court and Court of Appeal in precedent setting cases on noise nuisance, hypersensitivity and abatement notices. He is successfully appeared in ‘landmark’ statutory nuisance case of **Ball vs Hinkley & Bosworth Council** in the Court of Appeal which clarified a number of key points in relation to the operation of the statutory nuisance regime.

Highways

His highway practice has ranged from resisting a s.37 complaint against the public adoption of a highway, to working on a case involving the operation of a s.56 notice relating to the inadequate drainage of the highway, and to appearing at public rights of way and highway CPO public inquiries. This has included appearing for the Order Making Authority on a s.118B Order Inquiry to extinguish a footpath running through school grounds. Piers has appeared at Transport and Work Act public inquiries. Piers often works with local resident groups seeking declarations as to the extent of a highway and has also worked for a local authority in obtaining a relatively rare highway injunction against trespass on the highway. Piers has considerable experience in dealing with Traffic Regulation Orders. This experience ranges from drafting TROs for local authorities, objecting to them for third parties, and challenging them successfully in the High Court. Piers also advises on issues arising out of village green applications. Piers is the assistant editor of the Encyclopedia of Highway Law and Practice – the leading practitioner text on highway law, and is the Highway Editor on the Lexis Nexis Consulting Editorial Board.

Compulsory Purchase

Piers has worked for both local authorities and objectors on Compulsory Purchase Orders. This has included helping local authorities put in place proper systems for bringing forward CPOs (from preparing to make the Order all the way to implementing a confirmed Order) and also appearing at CPO inquiries, and dealing with the resulting compensation and References to the Upper Tribunal (Lands Chamber) for both claimants and local authorities. This has included successfully confirming CPOs under the Town and Country Planning Act 1990, Housing Act 1985 and Highway Act 1980. Piers has experience leading teams in compensation mediation including settling multi-million-pound compensation claims.

Piers is qualified to accept Public Access work.

Piers carries out a number of training sessions for local authorities and developers on planning, enforcement, CPOs, public sector equality and licensing.

He has also given talks at various conferences and RTPI events.

Prior to joining chambers, Piers spent a year with Richard Buxton Environment and Public Law Solicitors. This involved working on every part of the judicial review process from taking first inquiries to analysing judgments. Piers retains an active interest in working on planning cases involving environmental issues.

Notable Compulsory Purchase cases

Appeared for acquiring authority at an inquiry which confirmed a CPO under Highway Act 1980 to allow for the delivery of a £5 million city centre junction scheme.

Appeared for the acquiring authority at an inquiry which confirmed a CPO against an empty six-bedroom Property which the Owner claimed he had recently moved into and was purporting to carry out work on.

Appeared for the acquiring authority at an inquiry which confirmed a CPO against half-finished development which had been abandoned in 2012.

Recent Court of Appeal and High Court appearances

Notable Recent Court of Appeal and High Court appearances cases

Counsel in **R. (on the application of Ball) v Hinckley and Bosworth BC** [2024] EWAC Civ 433– successfully appeared in a landmark case on whether a statutory nuisance abatement notice can be varied which examined the wider operation of the statutory nuisance regime.

Co- Counsel in **Mead Realisations and Redrow Homes Ltd v Secretary of State for Levelling Up, Housing and Communities** [2024] EWHC 279 successfully appearing for the Secretary of State in defending a challenge to an Inspector's decision in relation to flood risk policy and the application of Planning Practice

Guidance.

Counsel in **Rye v SSLUHC** [2024] EWHC 358 (Admin) successfully quashing an Inspector's planning appeal decision due to the Inspector committing a material error of fact.

Counsel in **Ward v Torridge DC** [2023] 10 WLUK 209 successfully challenging the unlawful granting of planning permission for a dairy farm due to the failure of the local authority to correctly apply the 'Fallback' principle.

Recent inquiry experience

Notable Recent inquiry experience cases

Appeared on behalf of a local planning authority at a called in inquiry by the Secretary of State supporting the erection of a new Mosque in Preston.

Appeared on behalf of local planning authority at a called in inquiry by the Secretary of State resisting a new Category C prison in the Green Belt.

Appeared on behalf of a luxury hotel in the Lake District defending their construction and a golf course and luxury safari tents without planning permission.

Appeared on behalf of Gladman Retirement Living Ltd obtaining planning permission for a specialist accommodation for the elderly in Birmingham

Recent development plan examination appearances

Notable Recent development plan examination appearances cases

Appeared on behalf of the Wirral Green Space Alliance (including the Wirral Society) to object to the Wirral Local Plan

Appeared on behalf of a formal coalition of six parish councils to successfully object to the allocation of employment land in the Green Belt in Warrington Local Plan.

Appeared on behalf of Gladman Developments to make representations to the Suffolk Coastal Local Plan.

Appeared on behalf of the Isle of Man Government to support their Area Plan for the East.

Memberships

- PEBA
- Compulsory Purchase Association
- Northern Circuit
- Environmental Law Foundation

Qualifications

- Bar Professional Training Course, City Law School (2015-2016): Very Competent
- Graduate Diploma in Law, City University (2014-2015): Commendation
- Archaeology and Anthropology BA Hons, University of Cambridge (2011-2014): First Class
- Eton College 2005-2010

Appointments

Attorney General's Panel (2023)

Awards

Foundation Scholar: Queens' College Cambridge

Accreditations

