

WFW ADVISES ON PLANNING STRATEGY FOR BRICK VEIL MOSQUE

9 FEBRUARY 2023 • PRESS



Watson Farley & Williams (“WFW”) is proud to have advised, along with Christiaan Zwart of 39 Essex Chambers, a local trust (the “Trust”) on its planning strategy for the landmark Brick Veil Mosque, which received planning permission from the Secretary of State for Levelling Up, Housing and Communities (“Secretary of State”) following a six-day ‘call-in’ public inquiry into the mosque’s development in August 2022 during which the proposal raised issues of national policy interest that included the evaluation of planning design standards, the meaning of NPPF(2021) “previously developed land” and the development “brownfield” land in the open countryside.

The mosque will be built on raised grassland at the Broughton interchange in Preston, Lancashire, where the M6, M55 and A6 converge. Its design resulted from an international Royal Institute of British Architects competition that attracted 300 entrants. The winning entry comprises a three-storey elliptical brick drum building and a 30m-high (98ft) minaret reminiscent of a northern mill and able to accommodate up to 248 worshippers.

Notwithstanding 625 letters of support and support from the city’s council, there were also 425 objections to the scheme and these prompted local MP, (who is also a cabinet minister) to request that the decision to grant planning permission be “called-in” to be determined by the Secretary of State on the basis that it was of “more than local importance.” The reasoning behind the local MP’s request remains opaque because, whilst the development attracted some objection, it did not appear controversial nationally and his decision seemed overtly political.

On behalf of the Trust, WFW made an application for judicial review of the decision to call the application in which, while unsuccessful, did yield a number of important documents by way of disclosure. The minister who made the decision to call for the application subsequently resigned prior to Boris Johnson’s stepping down as PM, stating in his letter of resignation (perhaps tellingly):

“Loyalty and unity are traits that I have always endeavoured to provide for our great party. However, I fear I have let these override my judgement recently.”

A six-day public inquiry was held in August last year, where the planning inspector considered all of the complex issues raised by objectors including: whether the development site was brownfield or greenfield; whether the proposal breached the neighbourhood plan and the development plan; the effects of the mosque on the setting of a listed church; whether the harm to the setting was outweighed by any factor; concerns about the potential impact on worshipper traffic; car parking; landscaping and drainage capacity; the capacity of the mosque; and the lack of detail on its final appearance and the potential effects of such on the character and appearance of the area, including the local countryside and nearby Broughton village; and the design of the mosque and its local evaluation. He delivered his report to the Secretary of State in October 2022, recommending approval: as a “brilliant place” in which to worship.

The Secretary of State agreed with the inspector, noting that that any potential harm arising from the development would be outweighed by the public benefits, including the very high-quality design, energy efficiency and renewable energy measures; and the economic benefits derived from the proposed construction.

The WFW London team that represented the Trust was led by Planning and Regulatory Partner Nick Walker, supported by Senior Associate Hetty Tombs. Christiaan Zwart led acted for the Trust at the public inquiry.

“Nick commented: “The decision of the Secretary of State to approve the Brick Veil Mosque project is a huge success for both the Trust and local Muslim residents. Not only does it represent a new landmark for the community but thanks to renewable energy measures that are integral to the building’s design, will in fact provide a net gain in biodiversity.

The call-in decision represented a serious obstacle to the Trust, not just in delay but in significant additional costs too. At WFW we have always had a focus on supporting both communities and the environment which is why we were delighted to use our CSR programme to keep costs to a minimum. Doing so aligned with our sustainability strategy’s focus on People and Planet in both by supporting the local community in Preston and promoting an environmentally friendly place of worship”.

Christiaan added: “This is a stunning result for the whole community, which will result in a magnificent northern gateway into Preston that embodies social cohesion”.

The team supporting the Trust also comprised Alban Cassidy of Cassidy & Ashton, Heritage Conservation Consultant (HESPR – IHBC) Melanie Lloyd Morris, Timothy Russel of Eddisons, Jonathan Carter of Rolfe Judd Architecture and Stuart Ryder of Ryder Landscape Consultants Ltd.

RELATED CONTACTS



NICK WALKER
PARTNER • LONDON

T: +44 20 3036 9822

nwalker@wfw.com

MEDIA ENQUIRIES



WILL SALOMONE

T: +44 20 3036 9847

media@wfw.com

DISCLAIMER

Watson Farley & Williams is a sector specialist international law firm with a focus on the energy, infrastructure and transport sectors. With offices in Athens, Bangkok, Dubai, Dusseldorf, Frankfurt, Hamburg, Hanoi, Hong Kong, London, Madrid, Milan, Munich, New York, Paris, Rome, Seoul, Singapore, Sydney and Tokyo our 700+ lawyers work as integrated teams to provide practical, commercially focussed advice to our clients around the world.

All references to 'Watson Farley & Williams', 'WFW' and 'the firm' in this document mean Watson Farley & Williams LLP and/or its affiliated entities. Any reference to a 'partner' means a member of Watson Farley & Williams LLP, or a member, partner, employee or consultant with equivalent standing and qualification in WFW Affiliated Entities. A list of members of Watson Farley & Williams LLP and their professional qualifications is open to inspection on request.

Watson Farley & Williams LLP is a limited liability partnership registered in England and Wales with registered number OC312252. It is authorised and regulated by the Solicitors Regulation Authority and its members are solicitors or registered foreign lawyers.

The information provided in this publication (the "Information") is for general and illustrative purposes only and it is not intended to provide advice whether that advice is financial, legal, accounting, tax or any other type of advice, and should not be relied upon in that regard. While every reasonable effort is made to ensure that the Information provided is accurate at the time of publication, no representation or warranty, express or implied, is made as to the accuracy, timeliness, completeness, validity or currency of the Information and WFW assume no responsibility to you or any third party for the consequences of any errors or omissions. To the maximum extent permitted by law, WFW shall not be liable for indirect or consequential loss or damage, including without limitation any loss or damage whatsoever arising from any use of this publication or the Information.

This publication constitutes attorney advertising.