

Planning for our future: working on protecting the natural environment

13 September 2023  Sophie Hoffman

This week we talked to Sophie Hoffman, Associate in our Planning, Environment and Public Law team, about building a specialism in cross-practice complex planning and environmental work and working with clients including Natural England and Homes England.

During her time training with the firm, before qualifying in 2019, Sophie Hoffman was struck by the early trust the partners placed in her and her peers. “There is an expectation that you can handle important matters, but the partners are always there to support you,” she says. Sophie was given as much exposure as possible early on and was encouraged to interact with clients. “Presenting in front of clients could be daunting, but it really helped me build up my confidence quickly.”

Sophie Hoffman

“We work with clients to protect the environment, set the regulatory agenda and create positive change.”

Sophie is now an Associate in our Public Law team and specialises in planning and environmental work. She has developed a unique practice advising on complex environmental needs at the intersection of planning, development and regulation. This varied role includes working with local authorities, regulators, public bodies and developers, for example planning issues related to infrastructure projects or advising in relation to protected sites and species.

“As a trainee I spent time in both litigious and transactional seats, and I realised I wanted something in between the two, which involved both big transactional projects and also advisory pieces,” Sophie explains. “I also realised planning and environmental work complemented my personal interests, having studied geography at university before law.”

The evolving planning system and rise of ESG as a board and regulatory priority has created a growing need for planning advice given in the context of wider environmental impact and regulations. Sophie was encouraged by the partners to develop her interest in this area early in her career and build specialist expertise to offer to clients across the public and private sectors.

It’s an interesting time to be advising in this area, establishing the legal position in the context of planning. “In the last few years alone there have been three white papers exploring potential changes to the planning system,” Sophie explains.

Upcoming changes to regulations based on EU laws are creating further uncertainty in the sector. “There’s been a fairly consistent state of flux in recent years given the amount of new regulation and legislation that is being introduced. While it’s exciting, it can also be challenging, as you are working in an area of law that is rapidly changing, so you are constantly advising clients on new questions.”

Elsewhere there are landmark legislative changes in progress which clients also need to be ready for. “The Environment Act has recently been enacted, which introduces a variety of environmental changes, including forcing developments to provide at least a 10% net gain in biodiversity. It is hoped this will incentivise developers to acquire damaged sites and invest in improving them, encouraging attention to be given to sites which otherwise would be less attractive prospects,” Sophie says.

Further changes are also expected relating to habitat and animal welfare regimes which currently derive from EU law. “Any amendments to these regulations will significantly impact the activities that can take place in protected UK sites,” Sophie tells us.

This overlap between environmental and planning regulations makes Sophie’s specialism particularly important. “Private sector clients, who are increasingly concerned about ESG matters, come to us for our help with planning and realise they also need support with their environmental strategy, and this is something we can provide,” Sophie explains.

As part of building experience in this specialist area, four months after qualifying, Sophie undertook an 11-month secondment to Natural England, the public body that advises the Government on the natural environment. “While I was there, I handled everyday queries on a range of issues as well as commercial agreements with DEFRA,” Sophie says.

This secondment not only helped Sophie to develop her legal skills and build a greater knowledge of environmental law, but it also allowed her to build a strong relationship with the client. “Being embedded as part of the team helped me to be comfortable enough to ask questions and have difficult conversations with them – to challenge as well as advise. This relationship and ability to do this is vital when the projects you’re working on will shape how regulations will work going forward, for example.”

Sophie is now a point of contact for new instructions from Natural England and advises them regularly. As the regulator for certain activities in protected sites, Natural England is often involved in appeals and Sophie really enjoys this kind of work. “It’s all about strategy and knowing your client well is essential. I work with the appeals team and ecological specialists and I get to learn all kinds of things.” Having this varied range of work is very important for Sophie. “It’s great to be doing different things all the time, whether it’s researching a specific kind of endangered bird or reading about the types of rare plants in a site,” she says.

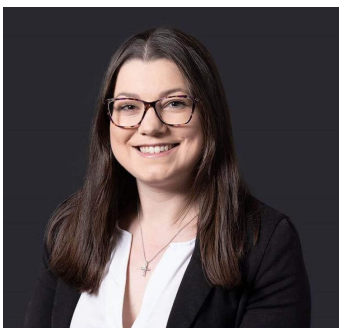
Sophie also works with Homes England, advising on a range of transactions such as land purchases. “Homes England form partnerships that bridge the gap between the public and private sector, in order to deliver new homes and regenerate places that meet local needs and aspirations, so advising them requires nuanced thinking – we have to consider what their goal is and why they are acquiring a particular piece of land,” Sophie explains.

This work often involves collaborating with other specialist teams. “I advise on the planning element, but my colleagues in real estate will advise on the land transfer, for example. One of the biggest strengths of the firm is that we have teams with varied experience who know how to work together to achieve the best result for the client,” Sophie tells us.

Sophie’s experience advising across both the private and public sectors also adds value for her clients. “If I’m acting for a developer, I can provide insight into the council’s priorities and needs, and vice versa, to help them navigate the process. Working with both sides has given me the expertise I need to provide clients with the right advice,” she says. Sophie’s favourite part of the job is the general advisory work. “It’s very technical but there are practical and commercial elements to it. It requires you to think strategically and put yourself in the client’s shoes to find the least risky way of doing what they want to achieve.”

Sophie finds her work in both planning and environmental cases extremely rewarding. “It’s always incredible when you see something in the news and you go: ‘I was involved in that!’” says Sophie. “Browne Jacobson works with big clients protecting the environment, setting the regulatory agenda and creating positive change, and when you see the impact of your work on society it’s always very satisfying.”

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