

Richard Glover KC

Call: 1984 QC: 2009

Practice areas:

Compulsory Purchase and Compensation, Planning, Rating, Local Government, ADR



Practice Profile

Richard Glover KC practices in town and country planning, local government, rating, compulsory purchase and compensation law, parliamentary bills, infrastructure, and administrative law. He is a CEDR accredited mediator.

He has a wealth of experience and a strong reputation for advising and conducting litigation and mediation – both in England & Wales and further afield (having been involved in cases in Northern Ireland, Hong Kong, the Caribbean and Ascension Island) – in those fields. He appears regularly at inquiries, in tribunals and the courts. He acts for claimants, ratepayers, developers and local authorities.

Recently, he has been involved in multi-million pound cases for BT, the GLA, Salford City Council, a range of water companies (including Anglian, Northumbrian, United Utilities and Yorkshire), Virgin Media, Belfast International Airport, Harrods and a number of clients with claims arising out of HS2.

He is Leader of the Parliamentary Bar.

He is General Editor of Ryde on Rating & the Council Tax, the leading text book on rating.

He is General Editor of the Encyclopedia of Compulsory Purchase and Compensation.

Compulsory Purchase and Compensation

Richard's long standing experience in compulsory purchase compensation forms another arm to his significant practice in the Lands Chamber, Upper Tribunal.

He acts both for claimants and acquiring authorities. Claimant clients include Minerva, Glaxo Smith Kline, Iceland Foods (at a number of locations), New Look, Optical Express (in the case that materially altered the approach to compensation for business loss), Hovis, accor Hotels, Birmingham City University,

Redrow, the Peel Group, CBRE, Tatton Estate, Royal Mail, Sahahviry Steel Industries, Redcar Bulk Terminal Ltd. and others.

He acted for the North West Development Agency in respect of all claims for compensation on the compulsory purchase of the Ancoats area of Manchester. He acted for the LDA (and subsequently the GLA) and TfL in respect of about twenty multi-million pound compensation claims arising out of the acquisition of land under the Olympic and Crossrail schemes. Cases include:

- ***Margate Town Centre Regeneration Company Limited v. Secretary of State for Communities and Local Government*** – a challenge to the confirmation of a CPO. The case is habitually quoted as identifying the approach to deciding such challenges.
- ***Dominion Mosaic & Tile Co. v. GLA*** – a complex claim for a very significant sum, the most controversial being the alleged development value of the extensive site in the absence of compulsory acquisition.
- ***Haringey Meat Traders v. GLA*** – this case involved three pieces of litigation all relating to the acquisition of a substantial industrial building opposite Stratford International Station. First, there was a section 18 inquiry at which the claimant's arguments were rejected. Then, there was High Court litigation in which the claimant unsuccessfully challenged the Secretary of State's conclusion on the section 18 inquiry. Finally, there was a decision of the Upper Tribunal upholding the GLA's case that the claim had been made after the end of the limitation period.
- ***Overseas Plastics v. GLA*** – another case in which Richard successfully persuaded the Upper Tribunal that a claim had been made out of time.
- ***Land Regal v. GLA*** – another long running piece of litigation that started with a section 18 inquiry in which the GLA, for whom Richard acted, successfully achieved a narrow certificate in relation to a large mill building. There followed a claim in the Upper Tribunal (which the claimant ultimately settled at the last minute) on a number of issues – notably, the rule 2 value of the land.
- ***BE Wedges v. GLA*** – a very complex and deeply forensic claim alleging very substantial loss of profits both at the galvanising plant acquired and at other plants within the group. After the exchange of skeleton arguments, the claimant accepted the sealed offer.
- ***Gray's Waste v. TfL*** – a complex loss of profits claim that flowed from the allegation that the acquisition of the site for Crossrail prevented the claimant from entering into a new and lucrative recycling business. The claim raised interesting forensic questions and fundamental issues about causation. This was another case in which, late in the process of preparation, the claimant accepted the Acquiring Authority's offer.
- ***William Hill v. TfL*** – an interesting decision of the Upper Tribunal on the scope of its powers to allow the substitution of parties after the end of the limitation period.
- ***Great Western Studios v. TfL*** – case which raised a number of issues both on the rule 2 valuation of the former Paddington Lost Property Office (subsequently licensed out as artists' studios) and on the ability to claim costs of refurbishing replacement premises. The claim settled before hearing.
- ***S. Evans & Son v. Halton BC*** – a claim arising out of the acquisition of a sizeable scrap metal yard for the Mersey Gateway Bridge. The issues included rule 2 valuation and a very large claim (involving significant factual and accountancy issues) for the loss of the scrap metal business. Richard acted for the Acquiring Authority, including at a successful mediation.
- ***Timec 1209 LLP v. Salford City Council*** – a claim that centred upon the identification of the features of the no-scheme world and the prospects of the re-development of site in that world.
- ***Pro Investments Ltd. v. LB Hounslow*** – a substantial claim in respect of a development site acquired for the development of Brentford Football Stadium.
- ***Curzon Park Ltd. & Others v. Secretary of State for Transport*** – a preliminary issue due to be heard in the Supreme Court in March 2023 about the approach to deciding certificates of appropriate alternative development.

Planning

Richard has long and varied experience in section 78 and enforcement notice appeals, local plan examinations, CPO inquiries and High Court challenges. That experience lies in a large number of schemes throughout their progress and in advisory work on all aspects of planning and compulsory purchase; Examples include:

Significant housing proposals for a landowner in Wycombe (first by appeal and then in relation to the draft Local Plan), Kent and Cambridgeshire, and for the local planning authority in Camden and North Herts. school proposals in Hertfordshire, warehousing in Hampshire..

- Green Belt – with particular experience relating to housing (e.g. in Princes Risborough), commercial (such as the McLaren Formula 1 HQ outside Woking) and leisure development.
- AONB – particular experience relating to housing, commercial and leisure development (including a holiday village near Folkestone).
- Heritage assets – Richard has been involved in both promoting and opposing developments at or adjacent to highly protected heritage assets, including grade 1 listed buildings, conservation areas and registered parks and gardens.
- London Olympics: Richard advised the London Development Agency on the preparation for and prosecution of the compulsory purchase orders, appeared for the Agency throughout the CPO inquiries, in the High Court in respect of challenges to the Secretary of State's decision and at subsequent inquiries under section 18 of the Land Compensation Act 1961 (appropriate alternative development).
- Housing and town centre regeneration, e.g. the Margate Dreamland inquiry and subsequent challenge in the High Court and Court of Appeal; and advising authorities and developers on policy and potential compulsory purchase, e.g. the London Legacy Development Corporation, Lambeth BC, Manchester CC, Winchester CC, LB Walltham Forest, LB Merton, LB Enfield and developers in Redbridge and Hitchin.
- Inquiries etc. into linear schemes – e.g. the extension to the Manchester Tramway, the Heysham to M6 link, HS2.
- Advising operators, such as Royal Mail, and developers (such as Croudace) on land acquisition and re-development proposals.
- Conditions and obligations – Richard advises on the adequacy of conditions and planning obligations and the steps required to discharge them. He is experienced in dealing with CIL compliance issues and the evidence necessary to justify a variety of contributions, including those relating to affordable housing, highways, education and health.
- Advising statutory undertakers and others on permitted development and other planning issues.

His significant experience in valuation cases makes him particularly well placed to deal with viability (as in the National Society for Epilepsy inquiry), impact (over the years, he has appeared in inquiries for or against Tesco, Sainsbury, Morrisons, Asda Lidl and others) and technical highways issues.

Richard's experience in Parliamentary bills and infrastructure planning dates back to the very start of his career, when he appeared in both Houses on the Channel Tunnel Bill. He has subsequently been involved in a significant number of Bills and projects, including

- Railways and tramways – Richard's experience dates back to his involvement in the Croydon Tramlink Bill. More recent examples include acting for the Canal & River Trust and Royal Mail on the HS2 Bill and Hovis, whose major flour mill was threatened by the extension to the Manchester Tramway).
- Roads and bridges – His experience dates back to his promotion of the Dartford Crossing Bill. Other more recent examples include the Heysham to M6 link and the Stonehenge A202 proposal. He has recently advised a highways authority on its ability to recover funds from major development sites released by proposed major highways works.
- Power stations (including the decommissioning of nuclear power stations – Trawsfynydd, Berkeley, Hinkley – and the storage of nuclear waste).
- Power cables – notably, promoting the necessary orders to enable the undergrounding of the complex network of overhead lines that crossed the Olympic site.
- other undertakers projects (e.g. the Thames Tunnel, in which he advised and acted for the Canal & River Trust).

Rating

Richard has an experience of rating matters that is unparalleled at the Bar. He has been an editor of Ryde on Rating and the Council Tax since 1990 and its General Editor since 2017. He has been involved in most of the important rating valuation cases, both in this country and elsewhere of the last twenty years. This has involved him appearing in courts at all levels, from the lowest to the highest.

His **clients** include:

Infrastructure:

BT, Cable & Wireless, Virgin Media, O2, T Mobile, Orange, EE, Anglian Water, Northumbrian Water, United Utilities, Welsh Water, Yorkshire Water, Kelda Water, RWE Npower, Centrica, British Energy, Nuclear Decommissioning Agency, Intergen, Scottish & Southern, Coventry & Solihull Waste Disposal (in the House of Lords), Network Rail, Mainline Pipeline, Star Energy, Mass Transit Railway (Hong Kong), Babcock (Ascension Island),

Ports & Airports:

Associated British Ports, PD Teesport, Southampton Container Port, Modern Terminals (Hong Kong), HACTL (Hong Kong Air Cargo Terminal), Belfast International Airport, Blackbushe, Biggin Hill, Blackpool & Oxford Airports, HAFCO (Heathrow Airport Fuel Company),

Industrial & Warehousing:

Monsanto, Tata Steel (Port Talbot, Llanwern, Redcar, Orb Newport), Novartis, Sem Logistics, Springfield Fuels, Vosper Thorneycroft, Carpetright, Gazeley, Urenco, Makro, B & M Retail, Freemans, Great Bear Distribution, Greater Manchester Pension Fund, Land Rover, Rolls Royce, Next, Wickes, Amazon.

Retail:

Harrods, John Lewis, Westfield, Burberry, Next, Starbucks, Asda, Morrisons, Sainsburys, Tesco, Post Office, Dixons, MacDonalds, Starbucks, Louis Vuitton, J.D. Wetherspoons, Antique Hypermarket, Arcadia, Trafford Centre.

Offices:

BBC, UBS, Canary Wharf, Columbia Pictures, Howard de Walden Estate, British Land, Deloitte, Express Newspapers, Lloyds TSB, Barclays, LaSalle London Office Fund, Nestlé UK, Swinton Group, Greyhound Investing, Morley Fund Management, Matineau, Leicester City Council, Cuddington Worldwide, Telereal Trillium, City Lion Investments (Hong Kong).

Charities, Not for Profit Organisations, Exemptions & Reliefs:

Church of the Latter Day Saints (in the House of Lords), Help for Heroes, Royal Society of Medicine, Canals and Rivers Trust, Emergency Aid, Photographic Angle, Life with Art, Newcastle upon Tyne Hospitals NHS Foundation Trust, Makro Properties, St. Paul's College Hong Kong, Partnership in Care, Cambian Healthcare, Church of Scientology.

Other:

Asia World Expo, Wembley Stadium, Everton FC, National Trust, LOCOG (London Organising Committee of the Olympic Games), Liverpool Everyman, Gala & Mecca Bingo, Covent Garden Market, Crown Estate Paving Commissioners, British Library, Clear Channel, City of London, Northern Ireland Government.

Hong Kong:

Hong Kong Electric, Modern Terminals, Mass Transit Railway, HACTL (Hong Kong Air Cargo Terminal), Asia World Expo, St. Paul's College.

His **rating cases** include:

- *Telereal Trillium v. Hewitt* – on the approach that the rating hypothesis requires where the evidence shows that, at the AVD, there would have been no demand to occupy at a positive rent a hereditament that was physically capable of occupation and use.
- ***SEM Logistic v. Webb*** – acting for the appellant ratepayer in the most recent contractor's basis case in the Upper Tribunal of the Lands Chamber concerning the 2005 list assessment of a substantial oil storage depot at Milford Haven (decided 2018). The case called on Richard's experience in the two most important contractor's basis cases of the reformed rating system (*Monsanto v. Farris* and *Eastbourne & Wealden v. Allen*) in both of which he acted for the ratepayer.
- ***Belfast International Airport v. Commissioner of Valuation*** – acting for the successful appellant ratepayer in this important contractor's basis case in the Northern Ireland Lands Tribunal. Not only did the case raise important issues about superfluity allowances and the use of a modern equivalent as a tool for assessing allowances, it also raised the fundamental question of law about the date at which demand should be taken in carrying out a revision to the list.
- ***United Utilities v. Zammit-Wilson*** – acting for the appellant ratepayer in the first substantial case on the valuation of infrastructure (in this case a water supply network) to fight in this country since *BT v. Sanderson* (CVO) and the subsequent challenge to the EC alleging that the settlement of that appeal resulted in state aid to BT; in both of which Richard acted for BT. There have been appeals in Hong Kong on infrastructure valuation which have either settled or been heard; and many of which involved Richard (including, Modern Terminals (port), MTR (railway) in which he led, and Hong Kong Electric).
- ***Cable & Wireless v. Subacchi*** – acting for the successful appellant on the valuation of their network in a case that resulted in significant reduction in the assessment of multiple numbers of fibre pairs in the core network.
- ***Harrods v. Dunlevey*** – acting for the appellant department store in the 2005 list appeal, which

settled just before hearing; having previously been the junior in *Harrods v. Baker* (the 2000 list appeal).

- ***BBC v. Dingle*** – advising the successful ratepayer in preparation for a LC appeal in relation to the rateable value of the BBC's Media Village in White City. The valuation officer settled after the exchange of reports.
 - ***Gallagher v. Church of Jesus Christ of Latter Day Saints*** – acting in the House of Lords for the Appellant Church seeking relief from rates for its Temple and complex at Preston; and, thereafter, in the valuation appeal.
 - ***Makro Self-Service Wholesalers v. Nuneaton & Bedworth BC*** – appearing for the successful ratepayer in the High Court to quash the decision of magistrates and uphold as lawful a scheme to reduce rates liability in respect of a warehouse no longer used for Makros' wholesaling business.
 - ***Johnson v. H & B Foods*** – appearing for the successful ratepayer in the Upper Tribunal on the number of hereditaments comprised in a factory.
 - ***BT plc v. Sanderson*** – acting for BT in its appeal relating to the valuation of its entire network in England and Wales. Probably the most complex rating valuation case in the last fifty or more years.
 - ***Monsanto plc. v. Farris*** – acting for the ratepayer in the most influential case on the contractor's basis method of valuation since the 1960s.
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Local Government

Richard also has an extensive practice in relation to local government law more broadly. For example, he has advised local authorities on budget setting, rates retention and council tax matters. He advised a number of local authorities on the introduction of their council tax reduction schemes – which raised a broad range of issues, including the duty to consult and the public sector equality duty. He has recently advised a county council about the terms and conditions of a very substantial Government grant.

He acted for the council in the test case, *Harrow LBC v. Ayiku*, a test case on the scope of council tax exemptions for spouses of non-British students.

He frequently advises local authorities on their compulsory purchase and land acquisition powers. In addition to the London Olympics, these include schemes in Lambeth, Hitchin, Waltham Forest, Manchester, Morden, Enfield, Hartlepool and Stevenage.

ADR

Richard is a CEDR accredited mediator who has mediated many disputes and acted for parties involved in mediations, principally in relation to his practice areas at the Bar. He has a high success rate as a mediator.

His mediation style is to seek to build relationships of trust speedily, to defuse antagonisms, build co-operation and encourage pragmatism while also drawing the focus as swiftly as possible to the critical issues. He recognises that preparation both by the mediator and the parties is essential for a mediation to have the necessary direction and sense of progress. He benefits from acting as mediator because it

develops empathy and soft skills that are of vital importance for the entirety of his practice.

He practices in town and country planning, local government, rating, compulsory purchase and compensation law, parliamentary bills, infrastructure, and administrative law. He has a wealth of experience and a strong reputation for advising and conducting litigation and mediation – both in England & Wales and further afield (having been involved in cases in Northern Ireland, Hong Kong, the Caribbean and Ascension Island) – in those fields. He appears regularly at inquiries, in tribunals and the courts. He acts for claimants, ratepayers, developers and local authorities.

He is Leader of the Parliamentary Bar.

He is General Editor of *Ryde on Rating & the Council Tax*, the leading text book on rating.

Cases

- *Curzon Park Ltd. & Others v. Secretary of State for Transport*
- *Timec 1209 LLP v. Salford City Council*
- *Pro Investments Ltd. v. LB Hounslow*
- *SEM Logistic v. Webb*
- *Belfast International Airport v. Commissioner of Valuation*
- *Telereal Trillium v. Hewitt*
- *S. Evans & Son v. Halton BC*
- *Great Western Studios v. TfL*
- *United Utilities v. Zammit-Wilson*
- *Overseas Plastics v. GLA*
- *William Hill v. TfL*
- *BBC v. Dingle*
- *Harrods v. Dunlevey*
- *Gray's Waste v. TfL*
- *Hardman v. British Gas Trading Ltd.*
- *Johnson v. H & B Foods Ltd.*
- *Haringey Meat Traders v. GLA*
- *BE Wedges v. GLA*
- *British Car Auctions Ltd. v. Hazell*
- *Land Regal v. GLA*
- *Transport For Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order*
- *Carpetright plc v. Ray*
- *Cable & Wireless v. Subacchi*
- *Tull Properties v. South Gloucestershire*
- *Dominion Mosaic & Tile Co. v. GLA*
- *Makro Self-Service Wholesalers v. Nuneaton & Bedworth BC.*
- *BRB (Residuary) Ltd. v. TfL*
- *B & M Retail v. Grace*
- *Harrow LBC v. Ayiku*
- *Southampton Container Terminal v. Richardson*
- *Allen v. Freemans*
- *Hong Kong Electric v. Commissioner of Rating & Valuation*
- *Margate Town Centre Regeneration Co. v. Secretary of State for Communities & Local Government*

- *Modern Terminals Ltd. v. Commissioner of Rating & Valuation*
 - *Harrods v. Baker*
 - *BT v. Sanderson*
 - *Monsanto plc. v. Farris*
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Publications

- He is General Editor of 'Ryde on Rating & the Council Tax', the leading text book on rating.
 - He is General Editor of the Encyclopedia of Compulsory Purchase and Compensation
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Qualifications & Appointments

- Leader of the Parliamentary Bar
 - Member of the Planning and Environment Bar Association
 - Member of the Compulsory Purchase Association
 - Member of the National Infrastructure Planning Association
 - CEDR Accredited Mediator
 - BA from Gonville and Caius College, Cambridge
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Quotes

"Richard's opinion work is always first class, informed by his wealth of experience as well as knowledge of the economic and valuation aspects at play. Solicitors also find him responsive and collaborative in his approach."

Legal 500, 2023

"He got to the bottom of all the key issues and the clients were very pleased with how the case went."

Chambers and Partners, 2023

"He took his time to discuss with clients and think through ideas. Also, his written advice was concise and clear."

Chambers and Partners, 2023

"Richard sees things that other people don't. He is very personable, clients like him, and he's also very quick." "He provides clear, well-structured advice and has a good eye for what really matters to the clients."

Chambers and Partners, 2022

"He has command and authority and is the go-to on valuation rating matters."

Chambers and Partners, 2022

"His niche is fact-heavy, complicated valuation cases, and in that sphere he is very experienced."

Chambers and Partners 2022

"He is very cerebral and able to deal with incredibly complex cases."

Chambers and Partners 2022

"Extremely thorough and will explore all angles, able to see the bigger picture and wider property law issues."

Legal 500, 2022

"He is convincing in his arguments and has an excellent tribunal manner".

Legal 500, 2017

"A trusted advisor on complex compensation matters in the field of compulsory purchase and appropriation."

Legal 500, 2022

"Richard is exceptionally thorough, with very good client management skills."

Chambers and Partners, 2021

"He is very effective at analysing a case and formulating a strategy to resolve clients' concerns."

Chambers and Partners, 2021

"He's a genuine expert in rating who is creative and comprehensive in the way he deals with valuation issues. He pays attention to detail and is particularly effective in complex, fact-heavy cases."

Chambers and Partners, 2021

"He's a forceful advocate who is knowledgeable about the subject matter." "He has a great analytical brain and an encyclopaedic knowledge of the law. He's also a very good listener and has an intuitive grasp of the strengths and weaknesses of the case."

Chambers and Partners, 2020

"He is approachable and gives commercially focused responses."

Chambers and Partners, 2020

"Forensic attention to detail and superb technical knowledge."

Chambers and Partners, 2020

"He has a very good client manner and isn't afraid to roll up his sleeves."

Chambers and Partners, 2020

"He knows the subject matter inside out and is incredibly eloquent."

Chambers and Partners, 2018

"He is incredibly intelligent."

Chambers and Partners, 2018

"He is really sharp-witted and very good strategically."

Chambers and Partners, 2018

"He is convincing in his arguments and has an excellent tribunal manner."

Legal 500, 2017

"He is an excellent advocate."

Chambers and Partners, 2017

"He's got a special talent for how cases ought to be presented to the tribunal."

Chambers and Partners, 2017