



George Mackenzie

Call: 2011 [Public Access](#)

Practice areas:

Major Infrastructure Projects, Planning, Compulsory Purchase and Compensation, Rating, Highways, Commons and Open Spaces, Local Government, Public Law



Practice Profile

George is a leading planning junior (Legal 500, 2023) with a specialist practice in the following core areas:

- major infrastructure
- planning
- compulsory purchase and land valuation
- rating and council tax
- property and commercial
- highways, commons and open space

George has a busy contentious and non-contentious practice, with a focus on the former. His practice involves advice, drafting and advocacy at all levels: he regularly appears (mostly unled, often against silks) in the High Court and Court of Appeal and is well-versed in procedural matters.

He is particularly in demand as an inquiry or examination advocate for controversial and complex projects, particularly those involving disputes in technical fields such as traffic modelling, viability appraisal and demographic/economic forecasting, where George's ability to navigate and build .xlxs models is welcomed by clients.

George is a huge team player, something recognised by the directories which praise his *"ability to see the commercial drivers in the case"* and his impressive *"ability to work seamlessly with different personalities in the client team."* He makes an effort to ensure that the whole team (client, solicitors, experts) is on the same page, aligned on strategy, and that the ultimate commercial objective is prioritised at all times.

George is both a detail fanatic and a strategic thinker, and is as comfortable with fine-grained disputes about numbers or law/policy as he is with joining the dots between the strategic "big picture", procedural tactics and the preparation of evidence.

Major Infrastructure Projects

George specialises in all aspects of major infrastructure work, with an emphasis on transport and energy projects. He is thoroughly familiar with the legal and policy framework for DCOs, TWAOs, MLs and HROs and is well-placed to offer high-level tactical advice, as well as advocacy at inquiries or examinations. He also has detailed knowledge of the legal and policy framework for water resources (including drought) planning and understands the principal modelling parameters of these areas of practice.

George regularly provides advice and advocacy to bodies and investors promoting (or objecting to) major infrastructure projects (whether NSIPs or not) and enjoys the process of working with the client and their experts to master the detail across numerous technical topic areas.

Notably, since 2020 George has acted (led by Douglas Edwards KC) for the principal interested party in the Lower Thames Crossing (“LTC”) DCO application, Europe’s largest road infrastructure scheme which also encompasses several utility diversion NSIPs. That party’s stance led to the first DCO application being withdrawn by the promoter, and the examination in respect of the second finished in December 2023. George acted (unled) in numerous ISHs including highly technical transportation modelling ISHs and supplied detailed dDCO drafting.

His recent involvement in major infrastructure work includes:

- acting (with Douglas Edwards KC) for 3 years+ on behalf of Thurrock Council, the principal objector to both DCO applications for the LTC NSIP, the largest road transport infrastructure project in Europe (ongoing);
- acting (with Michael Humphries KC) for the promoter of the a 125Mw renewable energy hub in Wales in their successful statutory challenge of the Welsh Ministers’ refusal to consent the scheme. See R (Wentlooge Farmers’ Solar Scheme Ltd) v Welsh Ministers (AC-2023-CDF-000004);
- advising (with James Pereira KC) the promoters of a carbon capture and storage project, involving a pipeline that will be an NSIP, in connection with land negotiations with National Grid;
- acting for a major landowner in connection with the A47 North Tuddenham to Berry Hall Estate DCO application;
- acting (with Suzanne Ornsby KC) for Thames Water in connection with the preparation of their statutory Water Resources Management Plan and, in particular, options appraisal for two potential water resource NSIPs (pipeline and reservoir);
- acting for the Trail Riders’ Fellowship in their objection to the A303/Stonehenge DCO application; and
- acting for houseboat owners/occupiers in connection with the Thames Tideway Tunnel DCO application.

Planning

George’s substantial planning practice is both advisory and contentious and covers all fields of development and investment, with a particular focus on strategic-scale residential, logistics, retail and mixed-use schemes. Inquiry work is the core of George’s practice: he is a formidable appeal advocate, with a keen eye for detail, and he also regularly appears in the High Court and Court of Appeal, usually

uned. He works for private developers, landowners, land promoters, educational and charitable institutions, local government bodies and objectors, and is ranked as a leading planning junior in the Legal 500 (2023).

George is intimately familiar with all technical aspects of English planning policy (Green Belt, AONB, Heritage Coast, National Parks, Standard Method etc.) and also has recent experience dealing with the Welsh planning policy framework, PPW. He has also advised extensively in respect of enforcement matters, CIL disputes, s.187B injunctions, TPOs, s.106/s.178 agreements, advertisement consent, listed building consent and hazardous substances consent.

Recent examination, inquiry, hearing and other casework includes:

- Land south of Burford Road, Minster Lovell, West Oxfordshire (134 units; 8-day inquiry sitting in February 2024)
- Promoting Oxford City Council's Local Plan 2020–2040 (ongoing, but George also promoted the extant adopted local plan for Oxford City Council 2016–2036 with Douglas Edwards KC);
- promoting and advising on Cotswold District Council's 5yr Local Plan Partial Review and housing requirement review (ongoing);
- Land in the Beltwood Estate, Sydenham Hill, London SE26 (2-day enforcement hearing in respect of an enforcement notice which required three new-build terraced houses adjacent to a listed building to be demolished, November 2023);
- Land at Betteshanger Country Park, Sandwich Road, Sholden, Dover (highly controversial 120-bed hotel and artificial "Wave Garden" surfing lagoon scheme in an ecologically sensitive area, ongoing);
- Land bounded by the Friary Centre Bus Station, North Street and Leapale Road, Guildford, GU1 (473 dwelling mixed-use regeneration of the Friary Quarter in Guildford town centre, January 2023);
- Land South of Badminton Road, Old Sodbury, South Gloucestershire (4-day inquiry, 35 dwellings, November 2022);
- Land at Oakdown Farm, A30, Dummer, Basingstoke (4-day inquiry, sub-regional strategic-scale 26ha logistics/LDW hub and transport network interventions to M3, October 2022);
- Land north of Crown Road, Marnhull, Dorset (5-day inquiry, 72 dwellings, July 2022)
- Land at Station Road, Stalbridge, North Dorset (7-day inquiry, 130 dwellings, February 2022);
- Land at Ridgeway, the Thicket, Canon Lane, Maidenhead (8-day inquiry, new c.1000 pupil capacity all-through school, parking sports facilities in the Green Belt, November 2020);
- Land south of Main Road, Curbidge, West Oxfordshire (4-day inquiry, storage and builders' yard enforcement appeal, January 2023); and
- promoting the West of England Combined Authorities' Spatial Development Strategy (with Douglas Edwards KC) (2022) and, previous to that, promoting the Joint Spatial Strategy for the West of England (with Suzanne Ornsby KC) (2020).

Recent judicial reviews/statutory challenges include:

- R (Robert Hitchens Ltd) v Cotswold District Council (ongoing);
- Royal Mail Group Ltd v Cornwall Council (AC-2023-CDF-000113);
- R (Wentlooge Farmers' Solar Scheme Ltd) v Welsh Ministers (AC-2023-CDF-000004);
- Blow Up Media Ltd v Secretary of State for LUCLG and Hackney LBC (9 February 2023);
- Brent LBC v Secretary of State for LUHC [2023] J.P.L. 159;
- R. (on the application of Whiteside) v Croydon LBC [2022] EWHC 3318 (Admin);
- Norfolk Caravan Park Ltd v Secretary of State for HCLG [2021] EWHC 2114 (Admin);
- Royale Parks Ltd v Secretary of State for HCLG [2021] EWCA Civ 1101;
- Barton Park Estates Ltd v Secretary of State for HCLG [2021] EWHC 1200 (Admin);

- Henham Parish Council v SSCLG (CO/0385/2021)
 - Buckinghamshire Council v Ward [2021] EWHC 1180 (QB);
 - Adams v Secretary of State for HCLG [2020] EWHC 3076 (Admin);
 - Maistry v SSCLG (CO/3170/2020);
 - R. (on the application of Bertoncini) v Hammersmith and Fulham LBC [2020] 6 WLUK 174; and
 - Harding v South Downs National Park Authority (CO/3175/2019)
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Compulsory Purchase and Compensation

A major element of George's practice involves advising in relation to references to the Lands Tribunal for compensation following the exercise of statutory powers to acquire land or create rights by compulsion.

He has acted in numerous HS2 claims, including claims with a final value (ie. determined or settled) of over £2.4million, and his practice encompasses disputes arising out of a wide range of statutory activity such as implementation of TWAOs, DCOs, CPOs, Electricity Act 1989 wayleaves, ancillary rights under s.1 of the Mines (Working Facilities and Support) Act 1966, GPDO art.4 directions as well as contractual references.

Clients welcome George's thorough knowledge of the compensation code (including the niceties of ss14,17 LCA 1961) as well as his aptitude for working with company accounts, balance sheets and .xlsx models.

George has acted for clients in several mediations, and is familiar with mediation/ADR procedure and advocacy. ADR can present real opportunities to all parties in compensation proceedings, and George is well-placed to advise in this respect.

George's recent experience includes:

- acting (ongoing) for the long leaseholder of an award-winning pub near Euston Station in a UTLC reference to determine the compensation payable as a result of the pub's acquisition for HS2 (claim value circa £4 million);
- securing a settlement of over £2million in respect of HS2's compulsory acquisition of land and rights over an agricultural and equestrian estate in South Northamptonshire;
- acting (with James Pereira KC) for the claimants in Five Oaks Land Ltd v Redbridge LBC [2022] R.V.R. 13 and ultimately securing well in excess of £5million in compensation shortly before the UTLC hearing commenced;
- advising Savills and the operators of a care home in their claim for compensation for injurious affection arising out of HS2's acquisition of the subsoil beneath the property;
- advising Suffolk County Council in respect of an indemnity agreement underlying a highways CPO promoted to rationalise access arrangements for an industrial estate;
- acting for Network Rail in respect of all of the compensation claims (brought by or against Network Rail) arising from the following orders:
 - Worcestershire County Council Southern Link Road (Worcester) Compulsory Purchase Order 2015 (reference ongoing);
 - Buckinghamshire Council (A4010 South East Aylesbury Link Road) Compulsory Purchase Order 2020;
 - Buckinghamshire Council (A4010 South East Aylesbury Link Road) (Classified Road) (Side Roads) Order 2020; and

- Network Rail (Norton Bridge Area Improvements) Order 2014;
 - advising the investment consortium delivering a major strategic extension to Cirencester in relation to complex compensation claims arising out of the diversion of 132kV electricity transmission lines needed to facilitate the development;
 - acting for the claimant in a tribunal reference for £600k+ arising out of the Network Rail (Ipswich Chord) Order 2012;
 - acting for Halton Borough Council in relation to a business extinguishment reference re. a fire alarm manufacturer that arose out of the making of the Mersey Gateway Bridge Order 2011; and
 - successfully defending the SOS's decision to make a CPO for a major regeneration of a housing estate in Camden: *Kuznetsov v Secretary of State for Communities and Local Government* [2017] EWHC 2713 (Admin).
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Rating

Highways, Commons and Open Spaces

Local Government

Public Law

Rating and Council Tax

George has extensive experience and expertise in rating. He is a contributing editor of the leading practitioners' encyclopaedia on rating, *Ryde*, and regularly acts (both led and unled) in rating litigation in the VTE, Lands Tribunal and the Court of Appeal. He is well-placed to advise in relation to all aspects of contentious and non-contentious rating work including MCC/valuation appeals and occupation/mitigation/relief disputes.

His clients include billing authorities, asset managers, landowners, institutions (such as National Museums Liverpool), large national companies and multi-national entities (including Mazars, Ernest & Young Global). George particularly enjoys work that involves complex hereditaments such as energy transmission infrastructure and cement factories (both of which he has recently advised in relation to).

In addition to his substantial advisory practice, George's recent rating case work includes:

- *National Museums Liverpool v Allen (Valuation Officer)* (2023, VTE)

- FC Brown Steel Equipment Ltd v Hopkins [2022] R.A. 179
- Avison Young Ltd v Jackson (Valuation Officer) [2021] EWCA Civ 969 (CA and UTLC)
- Mazars LLP v Jackson [2022] R.A. 155
- Isle Investments Ltd v Leeds City Council [2020] EWHC 3482 (Admin)
- Co-operative Group v Virk (Valuation Officer) [2021] R.A. 59
- Newham LBC v Rad Phase 1 Type B Property Co No.1 Ltd [2020] R.A. 384
- Buzz Group Ltd v Salmon (Valuation Officer) [2020] R.A. 292
- Jackson's Appeal, Re [2020] R.A. 434
- Jagoo v Bristol City Council [2019] EWCA Civ 19
- Patel v Jackson (Valuation Officer) [2019] R.V.R. 232
- Delph Property Group Ltd v Alexander (Valuation Officer) [2019] R.A. 233
- Codexe Ltd v Lamb (Valuation Officer) [2018] R.A. 319

Property and Commercial

Somewhat uniquely at FTB, George's practice encompasses a range of pure property and commercial matters. As a result he is well-placed to advise in respect of matters within his core specialisms, but which also have a real property or commercial dimension (as many planning cases invariably do) or to act as a junior to a property silk (often from other chambers) in a property/commercial case that raises planning or rating issues. Also somewhat uniquely for a public lawyer, George has a wealth of experience of acting in Part 7 (as well as Part 8) litigation and is familiar with the drafting conventions for Part 7 pleadings.

Notable examples of George's recent property and commercial work include:

- advising (with James Pereira KC) Coin Street Community Builders on the extent of private rights of access within their estate under various s.52 agreements, leases and transfers;
- acting for a landowner in Chancery Division litigation (worth £2million) concerning breaches of a development agreement and improper asbestos remediation works;
- acting for landowners threatened with proceedings (over £100k) under ss238/239 of the Insolvency Act 1986 in the context of the insolvency of a company which had delivered renovation works to their property while balance sheet insolvent;
- acting (*pro bono*) for Middle Ground Growers, a non-profit farming co-operative in Bath, in respect of unregistered/prescriptive easements of access to their farm (which were regularly blocked and rendered impassable by their neighbours);
- advising HS2 in relation to breach of covenant proceedings against Camden LBC arising out of Camden's alleged failure to remove anti-HS2 protestors (and tunnel-occupiers) from public spaces in and around Euston Station;
- acting (with David Matthias KC) for Bristol Rovers Football Club (in the High Court and Court of Appeal) in their breach of contract claim against Sainsbury's Supermarkets Ltd. See *Bristol Rovers 1883 Ltd v Sainsbury's Supermarkets*.
- advising on whether an implied wayleave under the Electricity Act 1989 is a contractual licence or an easement in real property terms.

Highways, Commons and Open Space

George is familiar with the technical legal framework relating to highways, commons and open space including town and village green registration, deregistration and exchange. He acted for the landowner in the leading modern case on the meaning of “curtilage” (*Blackbushe Airport Ltd v SSEFRA and Hampshire CC*) in the Court of Appeal and High Court (led by Douglas Edwards KC). He has acted in his own right in numerous village green inquiries, commons deregistration and exchange inquiries, and his advisory practice across all areas of highways, commons, greens and open space is extensive. George has a particularly keen interest in the somewhat technical and arcane law of commons and regularly advises commons registration authorities in relation to the various contested matters that crop up under the Commons Act 2006, particularly concerning land in Dartmoor, Cornwall and Wales.

Qualifications, Appointments and Scholarships

- MA (Hons) Jurisprudence (with Law Studies in Europe) – Oxford University
 - *Certificat de Droit Français et International - Université Panthéon--Assas (Paris II)*
 - Attorney General’s ‘C’ Panel of Counsel – 2016 to 2021
 - Mansfield Scholarship – Lincoln’s Inn (major scholarship)
 - Megarry Scholarship – Lincoln’s Inn
 - Buchanan Scholarship – Lincoln’s Inn
 - Hardwicke Award – Lincoln’s Inn
 - Academic Exhibitioner – Mansfield College, Oxford
 - Scholarship to Oxford University – Oxford and Cambridge Society of Kenya
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Publications

George is a contributing editor of the most authoritative encyclopaedia on rating, *Ryde on Rating and the Council Tax* (LexisNexis).

Personal

George lives in South London with his family. He is a keen surfer and travels extensively to France, Madeira, South Africa, Indonesia and the Hawaiian islands to surf. He is a sometime practitioner of Zen and, in the winter, a cold water swimmer.

Quotes

"George is an extremely approachable and user-friendly barrister to work with. He quickly sees the commercial drivers in the case and always provides very clear and digestible advice. His ability to work seamlessly with different personalities in the client team is also very impressive."

Legal 500, 2023