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Guy Roots KC

Call: 1969 KC: 1989

Practice Profile

Guy Roots KC is an Associate Member of Chambers and is available for appointment as an arbitrator or mediator, to conduct early neutral evaluations or to provide expert determinations.

Guy Roots retired as a practising member of the Bar in April 2021 having specialised in town and country planning, environment, compulsory purchase and compensation, rating and valuation, and other local government and administrative law subjects with a wide range of clients including companies, public utilities, local authorities, government and other agencies and individuals. He appeared in a wide variety of Courts and Tribunals including public inquiries, arbitrations, the Lands Tribunal, the Upper Tribunal, the High Court, Court of Appeal and House of Lords His practice extended to Hong Kong, the Cayman Islands, the British Virgin Islands and Anguilla.

After reading law at Oxford (MA), Guy Roots was called to the Bar by Middle Temple in 1969 and became a KC in 1989. Prior to 2004, he was a member of chambers at 2, Mitre Court Buildings which was one of the leading sets specializing in Local Government including planning, environment, rating and Parliamentary Bills. In 2004, he joined 2, Harcourt Buildings which in 2007 moved to, and became known as, Francis Taylor Building.

His planning practice encompassed a broad range and scale of matters including housing, retail, regeneration, development in the greenbelt, new country houses, heliports and wind farms. He became particularly well known for his expertise in relation to major projects such as Heathrow Terminal 5, the regeneration of Greenwich Peninsula, the Maidenhead and Windsor Flood Relief Scheme (the Jubilee River) and the decommissioning of Trawsfynydd Nuclear Power Station.

Guy Roots KC became one of the leading experts in compulsory purchase having acted in numerous cases for both acquiring authorities and landowners. He acted for the acquiring authority (the London Development Agency) in relation to the compulsory purchase of 300 hectares for the London Olympic Games 2012. He also became one of the leading experts on the assessment of compensation for compulsory purchase and other forms of statutory compensation (such as wayleaves for electricity transmission lines). He appeared in numerous leading compensation cases in the Lands Tribunal, Upper

Tribunal and Court of Appeal, several of which arose out the acquisition of land for the Olympic Games and the Channel Tunnel Rail Link (HS1).

Guy Roots KC has appeared in many of the leading rating cases, and in particular cases involving valuation for rating. In addition to appearing in the Lands Tribunal, Court of Appeal and House of Lords in such cases, he has also appeared in the Hong Kong Lands Tribunal and Court of Appeal in a number of significant rating matters.

Guy Roots was Editor of 'Ryde on Rating' prior to 1990 when it became a looseleaf work 'Ryde on Rating and the Council Tax' for which he was the General Editor until 2018. Between 2000-2019, he was the principal author and General Editor of the looseleaf work 'The Compulsory Purchase and Compensation Service' initially published by Butterworths, now published by Bloomsbury Professional, and he remains Consultant Editor. He was also General Editor of the first three editions of the single volume work 'The Law of Compulsory Purchase and Compensation', published by Bloomsbury Professional, and remains Consultant Editor of that work also.

Between 1991-1998, he was an Assistant Recorder of the Crown Court. He was elected a Bencher of Middle Temple in 2000. He was Chairman of PEBA (the Planning and Environment Planning Bar Association) 2000-2004. He was an Assistant Boundary Commissioner for the Reviews of the Parliamentary Boundaries in 2005 and 2013.

Experience

Planning and Compulsory Purchase

While in practice, Guy Roots KC specialised in town and country planning, environment, compulsory purchase and other related subjects. He advised and appeared for a wide spectrum of clients including companies, local authorities, government and other agencies, regional development agencies, universities and individuals. He has considerable experience in relation to a broad range and scale of planning matters including housing, retail, regeneration, development in the greenbelt, new country houses, heliports and wind farms. He became particularly well known for his expertise in relation to major projects and compulsory purchase. Examples of major schemes in which he has been involved include:

- **London Olympic Games in 2012**: he advised and appeared for the acquiring authority (the London Development Agency) at the public inquiry and related High Court proceedings in relation to the compulsory purchase of 300 hectares for provision of the Olympic facilities and subsequent regeneration.
- **Greenwich Peninsula**: he advised and appeared for English Partnerships at the public inquiry into the compulsory purchase of land for regeneration of Greenwich Peninsula including the Dome.
- **Decommissioning of Trawsfynydd Nuclear Power Station**: he advised and appeared for British Nuclear Fuels Ltd at the public inquiry into proposals for decommissioning the nuclear power station and long term storage of nuclear waste.
- **Windsor and Maidenhead Flood Relief Scheme**: he advised and appeared at the public inquiry for the Environment Agency as promoters of the scheme comprising 11km of new river, now known as the Jubilee River.
- **Heathrow Terminal 5**: he advised and appeared for BAA Plc at the public inquiry and related High Court proceedings.
- **Wembley Stadium Link**: he advised and appeared for the London Development Agency at the

public inquiry in relation to the bridge link to the new Wembley Stadium and associated development.
- **Greater Manchester Trafford Park Tram Extension** - he advised and appeared for ITV at the public inquiry into proposals to extend the tram network.

He has also advised in Hong Kong on planning issues and has appeared in Hong Kong in relation to the Land (Compulsory Sale for Redevelopment) legislation.

Land Valution

Guy Roots is one of the leading experts on:

- Compensation for compulsory purchase
- Other categories of compensation
- Rating and valuation

Each of these is explained in more detail below.

Compensation for Compulsory Purchase

Guy Roots is a leading expert on the assessment of compensation for compulsory purchase and was the principal author and General Editor of a highly regarded text book on this subject ('Compulsory Purchase and Compensation Service': Bloomsbury Professional). He has advised and appeared in numerous cases relating to compensation in the Lands Tribunal, Upper Tribunal and Court of Appeal and in arbitrations. Examples of well known cases include:

- *Harrison and Hetherington Ltd v Cumbria County Council* (House of Lords) – interpretation and application of rule 5 (equivalent reinstatement).
- *Abbey Investments v London Development Agency* - compensation for land reflecting development value.
- *Kaufman v Gateshead Borough Council* - compensation for "ransom" value.
- *Urban Edge Group Ltd v London Underground Ltd* - planning assumptions for assessing compensation.
- *Richards v Somerset County Council* - compensation for alleged ransom strip following purchase notice.
- *Corton Caravans Ltd v Anglian Water Services Ltd* - compensation for compulsory acquisition of land held for business expansion and business disturbance.
- *RMC and ACE v London Borough of Greenwich* - the effect of the Pointe Gourde rule after the House of Lords decision in Waters v Welsh Development Agency.
- *Colneway Ltd v Environment Agency* - compensation for acquisition of land containing minerals for flood relief scheme.
- *Purfleet Farms Ltd v Secretary of State for Transport* - compensation for land acquired for the Channel Tunnel Rail Link (HS1).
- *Union Railways Ltd v Kent County Council* - compensation claim arising out of Channel Tunnel Rail Link HS1).
- *Jumbuk Ltd v West Midlands Passenger Transport Executive* - compensation claim for extension to West Midlands Metro tramway.
- *Optical Express (Southern) Ltd v Birmingham City Council* - compensation for business loss following compulsory purchase of land for town centre redevelopment.
- *Rooff Ltd v Secretary of State and London Development Agency* - appeals relating to s.17 certificate.
- *Thomas Newall Ltd v Lancaster City Council* - in the Upper Tribunal (Lands Chamber)

compensation for compulsory purchase, planning assumptions, valuation and disturbance. In the Court of Appeal, management time and other losses.

Compensation for Compulsory Purchase in Other Jurisdictions

He has advised in relation to compensation issues in Hong Kong and he has appeared in proceedings relating to compensation in the Cayman Islands (in the Roads Assessment Committee, in the Grand Court and the Court of Appeal), in the British Virgin Islands (in a Board of Assessment and the Eastern Caribbean Court of Appeal), and in Anguilla (in the Eastern Caribbean Court of Appeal).

Other Forms of Compensation

He has advised in numerous cases in relation to compensation for electricity wayleaves, for example, he appeared for EDF in the Lands Tribunal and Court of Appeal in ***EDF Energy Ltd v Welford v Welford***. He has also advised in relation to easements for gas pipelines and appeared for the claimant in the House of Lords in ***Blandrent Investment Developments Ltd v British Gas Corporation***.

Rating

Over many years, he appeared in many of the leading rating cases in the Lands Tribunal, Court of Appeal and House of Lords. He was for many years the General Editor of the principal textbook on this subject (Ryde on Rating and the Council Tax: Butterworths-LexisNexis).
Examples of significant rating cases in which he advised or appeared include:

- ***Clement (Valuation Officer) v Addis Ltd*** - Lands Tribunal, Court of Appeal and House of Lords - Interpretation of the 'state' fo the hereditament and locality
- ***K Shoes v Hardty (Valuation Officer)*** - Court of Appeal - the leading case on the date of valuation
- ***Imperial College of Sciencand Technology v Ebdon (VO) and Westminster City Council*** - Lands Tribunal and Court of Appeal - the last case on the decapitalisation rate in a contractor's basis valuation.
- ***Encon Insulation Ltd v Nottingham City Council*** - High Court - service of demand notice 'as soon as reasonably practicable'.

Rating in Other Jurisdictions

He has also appeared in the Hong Kong Lands Tribunal and Court of Appeal on a number of significant rating cases and has advised in relation to the valuation for rating of:

- Major container port,
- Airport cargo terminal,
- Major electricity generator,
- Major theme park,
- Mobile and fixed telephone networks,
- Mass transit railway.

Alternative Dispute Resolution

Guy Roots KC has experience of representing parties in arbitrations especially in the Lands Tribunal, now called the Upper Tribunal (Lands Chamber), which has statutory jurisdiction to act as an arbitrator, and has advised in relation to non-domestic arbitrations under the UNCITRAL Rules. He has also represented parties involved in mediations. He is an Associate of the Chartered Institute of Arbitrators.

Qualifications & Appointments

- Queen's Counsel (1989)
- Chairman of the Planning and Environment Bar Association (PEBA) (2000-2004)
- MA in Jurisprudence from Oxford University
- Harmsworth Scholar (Middle Temple)
- Fellow of the Society of Advanced Legal Studies
- Bencher of Middle Temple
- Member of the DETR's Compulsory Purchase Policy Review Advisory Group (2001)
- Assistant Recorder of the Crown Court (1991-1998)
- Assistant Boundary Commissioner (fifth review 2012
- Associate, Chartered Institute of Arbitrators (2021)
- Part-time Consultant to Law Commmission (2026)

Publications

- General Editor (2000-2019) and now consultant editor of 'Compulsory Purchase and Compensation Service', and of 'The Law of Compulsory Purchase and Compensation' both published by Bloomsbury Professional.
- General Editor (1985-2018) of 'Ryde on Rating and the Council Tax', published by Butterworths-LexisNexis.

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