



Francis Taylor Building
Inner Temple
London EC4Y 7BY

Francis Taylor Building

DX: 402 LDE

T: 020 7353 8415 F: 020 7353 7622
E: clerks@ftbchambers.co.uk W: www.ftbchambers.co.uk

Emyr Jones



Year of call 1999

Emyr was called in 1999 and practised in Cardiff until joining FTB in 2018. Before coming to the Bar he took a first in PPE at Jesus College, Oxford and was a lecturer at Keble College whilst undertaking research in political philosophy. He has been recommended for planning and chancery work in Chambers and Partners and the Legal 500 for many years. Appointed to the Welsh Government's panel in 2013 he has a thorough knowledge of Welsh planning law and policy, and of Welsh law in general, and is the current editor of the Wales section of the *Green Book*.

His main areas of interest are:

- Infrastructure
- Environment
- Local Government
- Planning
- Compulsory Purchase and Compensation
- Public Law
- Property and Chancery Litigation

Testimonials

"He is a great asset. He is very clever, very thorough and definitely the sort of person you want on your side", Chambers and Partners 2018

"He is very easy to work with and a confident advocate", Chambers and Partners 2017

"He is good on his feet and an effective advocate", Chambers and Partners 2017

"Highly experienced in construction and planning disputes. He has an impressive intellect", Legal 500 2016

"He's obviously a very clever stick and his advocacy was fantastic. He handles judges very well: he has the first-hand knowledge of what they think, what they're looking for, what will keep them happy and what will annoy them, and I value that", Chambers and Partners 2015

Experience

Infrastructure

Emyr was junior counsel, with Winston Roddick QC, for Pembrokeshire CC in the first special assembly procedure proceedings to reach the National Assembly of Wales in 2008. Pembrokeshire challenged Welsh Government's decision to promote a 2 + 1 road configuration for the A40 Robeston Wathen bypass on the grounds that a full dual carriageway was safer and provided better value for money. He Led and cross examined all the economic and traffic evidence.

Between July 2015 and March 2018 Emyr was instructed as a junior to Morag Ellis QC as part of the Welsh Government team promoting 24km of new motorway around Newport. The public inquiry sat for 83 days. Emyr led and cross examined most of the evidence relating to economics, traffic, carbon, air quality, noise, water quality, flooding and agriculture.

Emyr acted alone for the Welsh Government in promoting the dualling of sections 5 and 6 of the A465, some 18 km of road, through a 6 week public inquiry which culminated in May 2018.

He is instructed as junior to Tim Corner QC to represent the Welsh Government in the forthcoming DCO examination into the application to develop a new nuclear power station on Anglesey.

Emyr has a thorough knowledge of the legal, technical and procedural aspects of promoting road infrastructure and relishes getting to grips with and cross examining the expert evidence.

Environment

He has considerable experience of town and village green work having been appointed to act as inspector by numerous Commons Registration Authorities as well as appearing as an advocate for applicants and objector landowners.

Emyr has undertaken a wide range of work relating to commons including:

- conducting private law litigation in the county court and the Property Chamber, First-tier Tribunal in respect of adverse possession claims to common land, claims in trespass/nuisance and claims relating to unauthorised development and fencing;
- advising the Welsh Government in respect of applications to deregister common required to facilitate major developments e.g. *Circuit of Wales* motor racing project, *Mynydd y Gwair* windfarm;
- advising the Welsh Government and local authorities in respect of the acquisition of common land required to enable the construction of highways.

Emyr has acted for parties in private law nuisance claims relating to subsidence, water penetration and flooding e.g. he recently advised and represented the Welsh Government at a mediation staged over a number of days in respect of claims and cross claims arising from the flooding of some 120 new homes at the *Glasdir Estate in Ruthin*.

He has undertaken advisory work in respect of the environmental and property aspects of Coal Bed Methane extraction.

Local Government

Emyr has advised and represented local authorities on various planning matters, judicial reviews and property related litigation including whether exclusivity rights granted to tenants offend the Competition Act 1998.

He has conducted a great deal of highways and public rights of way work for local planning authorities and landowners such as:

- appearing as an advocate in inquiries into modifications of the Definitive Map;
- advocacy work in Magistrates and Crown Courts relating to matters such as the maintenance of highways, the stopping up and/or diversion of highways and obstruction of highways;
- advisory work with regard to Traffic Road Orders;
- judicial review work relating to highways e.g. *Trail Riders Fellowship v Powys CC*

[2013] EWHC 3144 (Admin) (challenge to the legality of temporary traffic regulation orders TTROs made against the background of section 56 proceedings in the Crown Court)

Planning

Emyr has regularly represented local planning authorities in inquiries relating to wind farms and residential development. He appeared in the first solar farm appeal in Wales.

He has undertaken sundry enforcement appeals for local planning authorities and landowners e.g. *Evans v Bridgend CBC* [2012] PAD 21. A recent example is a 3-day inquiry in January 2018 on behalf of the owner of a large cyclo-cross track in Carmarthenshire.

He has advised national housebuilders and local authorities on the construction of section 106 agreements.

He has advised the Welsh Government and local authorities re listed buildings and minerals and undertaken related judicial review work e.g.

R (on the application of Freemont (Denbigh) Ltd) v Welsh Ministers [2016] EWHC 482 (Admin) (challenge to the Welsh Government's confirmation of a CPO and of an earlier section 55 notice for the reimbursement of urgent works regarding the Grade II* listed Asylum in Denbigh; case dealt with allegations of fraud and the relevance or otherwise of a bank bond)

Payne v Caerphilly CBC [2009] RVR 66 (claim for compensation for compliance with stop notice re old colliery waste tip when enforcement notice later quashed; determined that the meaning of a planning permission was subject to res judicata and that no entitlement to compensation)

Compulsory Purchase and Compensation

Emyr has acted for landowners impacted by the compulsory purchase of land, especially regarding new roads, at the acquisition stage and at the compensation stage. As to the former he acted for a number of landowners affected by the Church Village by-pass. Examples of compensation work include acting for the owners of the former EMAG factory whose land was taken for section 2 of the A465, see *Mintblue Properties Ltd, Re Upper Tribunal (Lands Chamber)* [2016] UKUT 172 (application for certificate of alternative development for residential development without affordable housing) and for various businesses affected by the A40 Robeston Wathen bypass.

Emyr advised the Welsh Government in respect of a large number of compulsory acquisition and compensation matters when promoting the M4 corridor around Newport and sections 5 and 6 of the A465.

Property, Chancery and Chancery Litigation

Emyr has been recognised as a leading property, commercial and chancery practitioner

on the Wales and Chester Circuit for over 10 years. He has advised on and appeared in cases dealing with:

- contractual disputes in the commercial and TCC lists of the Business and Property Courts;
- rights of way;
- flooding;
- subsidence;
- trespass;
- restrictive covenants;
- TPOs;
- tenancies;
- constructive and resulting trusts;
- proprietary estoppel;
- disputed wills;
- construction of wills and trust instruments;
- Inheritance Act 1975.

He has successfully pursued and resisted applications for interim remedies such as property preservation orders, freezing orders and search orders and is tactically adept at their deployment.

Cases of Note

Cases of interest include:

- *Deraven v Liberty FE (Trade) DMCC* (2015 - 2016) (acting for the Mechel group in successfully obtaining summary judgment for £4.5 million against the Dubai based guarantor re the sale of Newport steelworks; post judgment freezing order which facilitated enforcement of the judgment)
- *Thomas v Jones, Palmer Tompkinson and Elliott* (April 2016) (vehicular right of way over SSSI and common on the Gower peninsula, lost modern grant)
- *Vatsaloo v Vale of Glamorgan* (2015) (adverse possession of woodland owned partly for landscape and visual amenity purposes; nature of possessory acts required in that context)
- *McLennan Architects Ltd v Jones* [2014] EWHC 2604 (TCC) (security for costs; interim remedy for inspection of the other side's computer database)
- *Pagliari v Thomas* [2008] WTLR 1417 (whether interest payable to a fund held for life tenant and remaindermen to be characterised as income or a mix of capital and income)

Public Law

As well as conducting public law work in the fields of planning and highways Emyr has experience of judicial review work in fields such as education and health. Cases of interest include:

- *R (on the application of Welsh Language Commissioner) v National Savings and Investments* [2014] EWHC 488 (Admin) (claim that reduction in the Welsh language provision of NS & I unlawful; the hearing before the Divisional Court was heard partly in Welsh)
 - *R (on the application of Llewellyn) v Cardiff and Vale University Health Board* [2013] EWHC 4099 (Admin) (challenge to Health Board's decision to refuse to reimburse patient for elective surgery undertaken in Germany)
 - *Vale of Glamorgan Council v Lord Chancellor* [2011] EWHC 1532 (Admin) (challenge to the Lord Chancellor's decision to close Barry Magistrates' Court)
-

Professional Associations

Emyr is a member of the following professional bodies:

- Planning and Environmental Bar Association (PEBA)
 - Chancery Bar Association (ChBA)
 - Wales and Chester Circuit
-

Languages

Emyr is a fluent Welsh speaker who is happy to undertake advocacy in the courts and at inquiries in the Welsh language.
