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Guy Roots QC



QC 1989

Year of call 1969

Guy Roots QC specialises in town and country planning, environment, compulsory purchase and compensation, rating and valuation, and other local government and administrative law subjects. He advises a wide spectrum of clients including companies, public utilities, local authorities, government and other agencies and individuals in relation to a huge range of planning, compensation, rating and other issues. His experience is outlined below under separate headings for Planning, Land Valuation, Infrastructure, Environmental and Public law. His practice extends to foreign jurisdictions including Hong Kong, the Cayman Islands and the British Virgin Islands.

Testimonials

"...Sources drew attention to the quality of his CPO work, deeming him to be a charming individual" Chambers and Partners

"...Was singled out by solicitors as a strong advocate on complex matters" Chambers and Partners

"...Has built up a solid reputation for regeneration and infrastructure schemes that stretches across multiple jurisdictions" Chambers and Partners

"...Famed for his intelligent approach. His expertise across a plethora of planning matters is highly respected, and he is well suited to anything which needs a brain" Chambers and Partners

Experience

Planning

Guy Roots QC specialises in town and country planning, environment, compulsory purchase and other related subjects. He has 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 is 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:** advising and appearing for the London Development Agency at the public inquiry and related High Court proceedings in relation to the compulsory purchase of 300 hectares in Lower Lea Valley for regeneration and provision of the Olympic facilities.
- **Greenwich Peninsula:** advising the developers in relation to proposals for development and appearing 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:** advising and appearing for British Nuclear Fuels Ltd at public inquiry into proposals for decommissioning the nuclear power station.
- **Windsor and Maidenhead Flood Relief Scheme:** advising and appearing for the Environment Agency as promoters of the scheme at the public inquiry.
- **Heathrow Terminal 5:** advising and appearing 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.

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 Valuation

Guy Roots is one of the leading experts on

- Compensation for compulsory purchase
- Other categories of statutory compensation
- Rating and valuation
- Practice and procedure in the Upper Tribunal (Lands Chamber).

Compensation

He is a leading expert on the assessment of compensation for compulsory purchase and other forms of statutory compensation. Guy Roots is the General Editor of a respected text book on this subject (Compulsory Purchase and Compensation Service: Bloomsbury Professional).

Examples of well known Lands Tribunal and Court of Appeal cases in which he has appeared include:

- ***Abbey Investments v London Development Agency*** - compensation for land reflecting development value.
- ***Kaufman v Gateshead Borough Council*** - compensation for "ransom" value
- ***Thomas Newall Ltd v Lancaster City Council*** - planning assumptions for assessing compensation.
- ***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.
- ***Union Railways Ltd v Kent County Council*** - compensation claim arising out of Channel Tunnel Rail Link.
- ***Jumbuk Ltd v West Midlands Passenger Transport Executive*** - compensation claim for extension to West Midlands Metro tramway.
- ***EDF Energy Ltd v Welford*** - compensation claim for electricity cables.
- ***Optical Express (Southern) Ltd v Birmingham City Council*** - compensation for

business loss following compulsory purchase of land for town centre redevelopment.

- ***Rooff Ltd va 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.

He has advised in relation to compensation issues in Hong Kong. He has appeared in the Grand Court and the Court of Appeal of the Cayman Islands in relation to compensation in a Board of Assessment in the British Virgin Islands and the Eastern Caribbean Court of Appeal.

Rating

Over many years, Guy Roots has appeared in many of the leading rating cases in the Lands Tribunal, Court of Appeal and House of Lords. He has for many years been 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 appeared include:

- ***Clement (Valuation Officer) v Addis Ltd*** - Lands Tribunal, Court of Appeal and House of Lords - interpretation of the 'state' of the hereditament and locality.
- ***K Shoes v Hardy (Valuation Officer)*** - Court of Appeal - the leading case on the date of valuation.
- ***Imperial College of Science and 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'.
- ***Total Lindsey Oil Refinery Ltd v Chris Sykes (VO)*** - contractor's basis valuation of oil refinery.

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

Infrastructure

Guy Roots has considerable experience in relation to infrastructure projects. He has advised and appeared in public inquiries, Parliamentary Committees, the Courts and the Lands Tribunal relation to a wide range of matters such as the Second Severn Bridge, a weather radar station, underground and overhead electricity transmission cables and

wind farms. He is particularly well known for his involvement with major projects including:

- **Olympic Games in 2012:** advising and appearing for the London Development Agency at the public inquiry and related High Court proceedings in relation to the compulsory purchase of 300 hectares in Lower Lea Valley for regeneration purposes and provision of facilities for the Olympic Games.
- **Greenwich Peninsula:** advising and appearing for English Partnerships on the compulsory purchase of land for regeneration of Greenwich Peninsula including the Dome.
- **Decommissioning of Trawsfynydd Nuclear Power station:** advising and appearing for British Nuclear Fuels Ltd at public inquiry into proposals for decommissioning the nuclear power station.
- **Windsor and Maidenhead Flood Relief Scheme:** advising and appearing for the Environment Agency at the public inquiry.
- **Heathrow Terminal 5:** advising and appearing for BAA Plc at the public inquiry and related High Court proceedings.
- **Wembley Stadium Link** - he advised and appeared for the London Development Agency in relation to the compulsory purchase of land for 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.

Environmental

Guy Roots has advised and appeared in numerous cases in which the environment was a significant dimension. He also has considerable experience in advising on environmental statements and related matters. Examples include:

- Advising British Steel on the implications of the closure of Ravenscraig Steelworks.
- Advising and appearing at a public inquiry into proposals to remediate contaminated land at Cinderhill, Derbyshire.
- Advising and dealing with environmental issues at a public inquiry in relation to Windsor and Maidenhead Flood Relief Scheme.
- Advising and dealing with environmental issues at a public inquiry in relation to Heathrow Terminal 5.
- Advising and dealing with environmental issues in relation to the regeneration of Greenwich Peninsula and the Dome.
- Advising and dealing with environmental issues in relation to the redevelopment of Spitalfields, London.
- Advising the Coal Authority in relation to proposals to mitigate the effects of water discharge from disused mines.
- Advising mineral operators about the implications of the Conservation (Natural Habitats etc) Regulations, SSSIs etc.

Public Law

Guy Roots has appeared in numerous judicial review cases involving challenges to decisions of Government agencies and local authorities, many of which also involved

questions under the Human Rights Act. This expertise has also taken him to Hong Kong. Recent judicial review cases include a number related to the London Olympics 2012:

- ***Lilly Smith v London Development Agency***: whether LDA acted unlawfully in selection of alternative site before compulsory purchase of land occupied by for gypsies and travellers.
- ***R (Neptune Wharf) v London Development Agency***: whether Secretary of State correctly exercised power to defer confirmation of compulsory purchase order.
- ***Lisa Smith v Secretary of State***: whether confirmation of compulsory purchase order unlawful and in breach of human rights of gypsies and travellers.
- ***Sole v Secretary of State***: whether Secretary of State acted unlawfully and in breach of human rights in confirming compulsory purchase of dwellings before alternative accommodation identified.
- ***R (Manor Garden Allotment Society) v London Development Agency***: whether LDA acted unlawfully and in breach of human rights in taking possession of land used as allotments.

Others cases include:

- ***R v Restormel Borough Council, ex p Parkin***: judicial review of grant of planning permission on the application of a Councillor.
 - ***Battersea Heliport***: - judicial review of decision to grant planning permission for development close to heliport.
 - ***Superlion Enterprises Ltd & others v Commissioner of Rating and Valuation*** (Hong Kong High Court and Court of Appeal): whether stay of execution appropriate when permission to apply for JR granted and whether undertaking to pay interest on payments delayed by the stay is appropriate.
 - ***MTRC v Commissioner of Rating and Valuation*** (Hong Kong High Court and Court of Appeal): whether Commissioner had power to withdraw decision previously made to delay payment of rates: statutory interpretation.
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Publications

- General Editor of 'Compulsory Purchase and Compensation Service', published by Bloomsbury Professional
 - General Editor of 'Ryde on Rating and the Council Tax', published by Butterworths-LexisNexis
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Qualifications and 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)

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