



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

Douglas Edwards QC

Practice Profile



QC 2010

Year of call 1992

Douglas Edwards QC practices in the fields of town and country planning, infrastructure compulsory purchase, environment, administrative and local government, highway law and property law. He is also a recognised expert in the law relating to common land and town/village greens, easements and restrictive covenants.

He appears regularly for both appellants and local planning and other authorities at inquiries and in the courts.

Douglas Edwards was elected a bencher of Lincoln's Inn in 2017, and is a member of the Inn's Estates Committee. He was appointed by the Government and has served as an assistant Parliamentary boundary commissioner and as lead assistant commissioner for the East Midlands region. In that capacity, his role has involved holding hearing and considering representations into proposals to modify Parliamentary constituencies.

Testimonials

"He's incredibly good to work with, incredibly efficient and he really knows his stuff. He's

very good with clients and can wipe the floor with the other side." Chambers and Partners, 2016

"He is experienced in representing large industrial companies and public utilities." Chambers and Partners, 2015

"A truly excellent and very talented barrister, he has represented a number of high-profile clients on major cases." Chambers and Partners, 2010

"Douglas Edwards.. is 'always in demand'." Chambers and Partners, 2010

Recent Cases of Note

Recent Court Cases

- *Manchester Ship Canal Company v United Utilities Ltd and Anglian Water Services PLC* [2015] UKSC 40 - represented Anglian Water Services in Supreme Court in appeal concerning entitlement for water utilities to discharge into watercourses;
- *R (Barkas) v North Yorkshire CC* [2014] UKSC 31 - appeared for Appellant in Supreme Court in important case concerning whether local authority recreation land is capable of being registered as a town green under Commons Act 2006;
- *R. (on the application of Skelmersdale Ltd Partnership) v West Lancashire BC and St.Modwen Developments Limited* [2016] EWCA Civ 1260 - appeared for St.Modwen in High Court and Court of Appeal in defending successfully a challenge to a planning permission for a large town centre redevelopment proposed;
- *Turner v Secretary of State for Communities and Local Government* [2015] EWHC 375 (Admin) - instructed jointly by Lambeth Council and the Mayor of London to defend in High Court and Court of Appeal the grant of planning permission for the redevelopment of the Shell Centre on London's South Bank';
- *R (Lancashire County Council) v Secretary of State for Environment* [2016] EWHC 1238 - represented Lancashire County Council, as landowner, in both High Court and in Court of Appeal, in application to quash listing of extensive area of land claimed to be held for education purposes a town/village green;
- *R (NHS Property Service) v Surrey County Council* --[2016] EWHC 1715 (Admin) - represented Surrey CC in defending challenge to its decision to register land at Leatherhead hospital as a TVG;
- *R (Goodman) v Secretary of State for Environment* [2015] EWHC 2576 (Admin) - represented successful claimant in securing quashing of a decision not to register land owned by Exeter City Council as a town green in a case which addressed

some important issues concerning the power for a local authority to appropriate land;

- *R (Carter) v Swansea City Council* [2015] EWHC 75 (Admin) - instructed to appear for landowner claimants at hearing of judicial review into grant of planning permission for major windfarm development outside Swansea;
- *R (Cherkley Campaign) v Mole Valley DC* [2013] EWHC 2582 (Admin) - appeared for Claimant in High Court and Court of Appeal into JR of planning permission for new golf course in Green Belt and AONB;
- *R (Savage) v Mansfield DC* [2015] EWCA Civ 4 - appeared at JR into claim to quash permission for residential led development on edge of Sherwood Forest on grounds relating to breach of Birds Directive; *R (Bermondsey Village Action Group) v Mayor of London and others-* [2012] EWCA Civ 1738 - instructed by Mayor of London and TfL to defend Judicial Review into grant of planning permission for redevelopment of London Bridge Station.

Planning and Other Inquiries

- *Stonehill Industrial Estate, Enfield* (2016) - appeared for HSBC Pension Trustees and LaSalle Investment at a lengthy public inquiry into successful appeal into proposals for large scale regeneration for B-class development of Strategic Industrial Estate in Enfield;
- *Crossrail Station, Farringdon* (2016) - appeared for TfL at public inquiry into a successful appeal in respect of proposals for large office-led over-station development at new Crossrail station, east of Smithfield Market, London;
- *City Airport* (2016) - appeared for Mayor of London into public inquiry into his refusal to grant planning permission for expansion of London City Airport;
- *Shell Centre, London* (2015) - represented Mayor of London and Lambeth LBC in respect of proposal for large scale redevelopment at Shell Centre on London's South Bank; also represented Mayor and Lambeth in High Court and Court of Appeal proceedings which followed;
- *Parc Tawe Retail Park, Swansea* (2016) - represented local planning authority at inquiry into proposals concerning large retail park at edge of centre location;
- *Super-Mosque, Abbey Mills West Ham* -(2015-2017) - appeared for LB Newham at inquiry which the to successful dismissal of a recovered appeal against the Council's refusal of planning permission for a 11,000 capacity mosque at West Ham, London, and represented the Council successfully in subsequent High Court proceedings;
- *Sheepbridge Sports Club, Chesterfield* (2016)- appeared for GKN Plc at inquiry onto successful appeal against refusal of planning permission for large scale residential development on site of former sports and social club in Derbyshire;
- *Land off Teversham Road, Fulbourn, Cambridgeshire* (2016) - appeared for South Cambs DC to successfully defend, in the absence of 5 year housing land supply, their refusal of planning permission for large scale residential-led development on green field site in Fulbourn
- *Dorcas Lane Windfarm* (2015) - appeared at public inquiry to successfully oppose largescale windfarm proposal in Aylesbury Vale;
- *Banner Homes Ltd. v St.Albans DC* (2016) - appeared for Banner Homes in General Administrative Tribunal and Upper Tribunal to oppose AVC listing of land with development potential on edge of St.Albans;

- Holyhead Port (2016) - appeared for Stena Lines to oppose successfully a TVG application to register part of Holyhead Port as a TVG;
- *Land at Daux Avenue, Billingshurst* (2015)- appeared for Bellway Homes to oppose village green application on development land near Billingshurst, West Sussex;
- Represented Arcadia Group in successful appeal for large new shopping centre in Kirkstall, Leeds;
- Represented Oxford City Council in opposing controversial development at Jericho Canalside, Oxford;
- Appeared for Islington Council to oppose a new 39 storey development at Old Street, London;
- Representing a landowner at an 10 week inquiry into proposal for an urban extension to Derby

Infrastructure

- Instructed by National Grid (2016-2017) in respect of intended DCO application for a proposal for an extensive new transmission connection to serve the proposed Moorside Power Station in Cumbria and Lancashire;
- Instructed by Highways England (2015) in respect of its DCO application for dualling of A30 in Cornwall;
- Instructed by Mayor of London (2016) to oppose at inquiry an appeal against his refusal to grant planning permission for expansion of City Airport.

Local Plan Examination

- Instructed to represent Cambridge City Council and South Cambridgeshire District Council at joint local plan examination - instructed jointly by both Councils to promote plans through examination;
 - Instructed by London Borough of Redbridge to promote its local plan at examination (due to commence in June 2017);
 - Instructed by Oxford City Council in respect of its emerging local plan.
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Experience

Planning

Douglas Edwards QC's planning practice has engaged a wide range of issues over the few last years, including major retail schemes, housing development, development of docks and proposed tall buildings. Examples of recent inquiries into planning appeals in which Douglas has been involved include:

- *Stonehill Industrial Estate, Enfield* (2016) - appeared for HSBC Pension Trustees and LaSalle Investment at a lengthy public inquiry into successful appeal into proposals for large scale regeneration for B-class development of Strategic Industrial Estate in Enfield;
- *Crossrail Station, Farringdon* (2016) - appeared for TfL at public inquiry into a

- successful appeal in respect of proposals for large office-led over-station development at new Crossrail station, east of Smithfield Market, London;
- *City Airport* (2016) - appeared for Mayor of London into public inquiry into his refusal to grant planning permission for expansion of London City Airport;
 - *Shell Centre, London* - represented Mayor of London and Lambeth LBC in respect of proposal for large scale redevelopment at Shell Centre on London's South Bank; also represented Mayor and Lambeth in High Court and Court of Appeal proceedings which followed;
 - *Parc Tawe Retail Park, Swansea* - represented local planning authority at inquiry into proposals concerning large retail park at edge of centre location;
 - *Super-Mosque, Abbey Mills West Ham* -(2015-2017) - appeared for LB Newham at inquiry which the to successful dismissal of a recovered appeal against the Council's refusal of planning permission for a 11,000 capacity mosque at West Ham, London, and represented the Council successfully in subsequent High Court proceedings;
 - *Land off Teversham Road, Fulbourn, Cambridgeshire* - appeared for South Cambs DC to successfully defend, in the absence of 5 year housing land supply, they refusal of planning permission for large scale residential-led development on green field site in Fulbourn
 - *Dorcas Lane Windfarm* - appeared at public inquiry to successfully oppose large-scale wind farm proposal in Aylesbury Vale;
 - Instructed to advise Mayor of London on recovered strategic planning applications for (a) Convoys Wharf, Deptford, (b) City Forum, Islington and (c) Mount Pleasant Post Office;
 - Represent developers in successful appeal for large new shopping centre in Kirkstall, Leeds;
 - Represented Oxford City Council in opposing controversial development at Jericho Canalside, Oxford;
 - Appeared for Islington Council to oppose a new 39 storey development at Old Street, London;
 - Representing a landowner at an 10 week inquiry into proposal for an urban extension to Derby;
 - Appeared for the Port of London Authority and TFL in an enforcement appeal concerning the entitlement of river boats to moor on the Thames; the enforcement notice was quashed and the decision establishes the extent of lawful uses which may take place on the river Thames;
 - Represented the local planning authority in the recent public inquiry into Thames Water's application for a desalination plant on the Thames at Beckton;
 - Appeared for the Port of London Authority at the inquiry into a large housing scheme at Peruvian Wharf which would involve the loss of a safeguarded wharf;
 - West Stevenage Consortium - six month inquiry into 5,000 unit housing scheme at West Stevenage.

Douglas has a particularly strong High Court and Court of Appeal practice in planning and related fields. His recent notable cases include:

- *R. (on the application of Skelmersdale Ltd Partnership) v West Lancashire BC and St.Modwen Developments Limited* [2016] EWCA Civ 1260 - appeared for St.Modwen in High Court and Court of Appeal in defending successfully a challenge

- to a planning permission for a large town centre redevelopment proposed;
- *Turner v Secretary of State for Communities and Local Government* [2015] EWHC 375 (Admin)- instructed jointly by Lambeth Council and the Mayor of London to defend in High Court and Court of Appeal the grant of planning permission for the redevelopment of the Shell Centre on London's South Bank';
 - *Newham LBC v Ali* [2014] EWCA Civ 676 represented Council in High Court and in Court of Appeal concerning enforcement of s.106 obligation in a case which now stands as the principal authority concerning enforcement of planning obligations;
 - *R (Cherkley Campaign) v Mole Valley DC* [2013] EWHC 2582 (Admin) - appeared for Claimant in High Court and Court of Appeal into JR of planning permission for new golf course in Green Belt and AONB;
 - *R (Bermondsey Village Action Group) v Mayor of London and others-* [2012] EWCA Civ 1738 - instructed by Mayor of London and TfL to defend successfully a claim for judicial review of the grant of planning permission for redevelopment of London Bridge Station;
 - *R (Carter) v Swansea City Council* [2015] EWHC 75 (Admin) - instructed to appear for landowner claimants at hearing of judicial review into grant of planning permission for major windfarm development outside Swansea;
 - *R (Savage) v Mansfield DC* [2015] EWCA Civ 4 - appeared at JR into claim to quash permission for residential led development on edge of Sherwood Forest on grounds relating to breach of Birds Directive;
 - *Barnett v Secretary of State for Communities and Local Government*, heard in March 2009 and in which the Court of Appeal introduced a radically new approach to the interpretation of planning permissions;
 - *R (oao Blow Up Media) v Lambeth LBC* [2008] EWHC 1912 - represented Lambeth LBC in successfully defending a judicial review which deal with a wide range of issue concerning use of enforcement power in respect of advertisements and interpretation of schemes of delegation;

Local Plan Experience

Douglas also has particular experience in advising on the preparation of local plans and appearing, for LPAs and landowner, at local plan examinations. He is presently instructed to represent Cambridge City Council and South Cambridgeshire District Council at the joint examination into their respective local plans and, as such, is well versed in current issues concerning defining housing and other development needs, identifying land supply, green belt and conservation issues. He is also presently instructed by a series of other local authorities - including Redbridge LBC and Oxford City Council - in respect of their respective emerging local plans.

Planning Obligations and Conditions

Douglas has a particular expertise in advising and appearing in cases in matters concerning the interpretation and enforcement of planning obligations and conditions. He is asked frequently to advise local authorities and developers in respect of disputes concerning planning obligations and has acted recently in several matters which have proceeded to arbitration and to trial before the Chancery Division in this field. A recent example if this is LB Newham v Ali in the Court of Appeal which is the leading case concerning the enforcement of planning obligations. He acted for St.Modwen

Developments in R. (on the application of Skelmersdale Ltd Partnership) v West Lancashire BC and St.Modwen Developments Limited [2016] EWCA Civ 1260 which concerned the interpretation of a permission on a retail planning permission. He has also acted recently for Swansea City Council at an appeal concerning the interpretation of a series of historic planning permission for a large retail park outside the City.

Development Viability Disputes

Douglas has particular experience concerning viability issue arising in respect of planning obligations, and development proposals more generally. He advises regularly, and appears at public inquiries and other hearing, where development viability is in issue. He has advised the Mayor of London in respect of development at Convoys Wharf, at City Forum and at Mount Pleasant Sorting Office all of which have rise to challenges to the Mayor's approach to assessment of viability issues in respect of planning applications for large scale housing-led development for which the Mayor became the determining local planning authority.

He also has particular experience in disputes concerning redevelopment of public houses where issues as to viability of continued or recommenced commercial use is at issue. He has been instructed in the last few years by both developers/landowners and by local planning authorities in respect of proposals to redevelop or change the use of public houses on grounds of lack of viability.

Assets of Community Value

Douglas appears regularly in courts and tribunals, as well as advising, in respect of assets of community value. He is presently instructed by Cala Homes Plc/Banner Homes Limited in a claim, which has been heard in the Upper Tribunal which is proceeding to the Court of Appeal, concerning whether trespassory use of undeveloped land can properly give rise to ACV listing (see [2015] UKFTT CR_2014_0018 (GRC)). Douglas also represented the South Bank Centre in respect of the highly controversial skate-board park beneath the Royal Festival Hall on the South Bank, London, in respect of both an application to list the area as an ACV and in respect of an application for its registration as a town green.

Community Infrastructure Levy

Douglas has developed a particular expertise in the complex field of CIL and in particular in advising on the interpretation and application of the CIL Regulations. He is presently instructed in respect of an important case concerning the interpretation of the transitional provisions to the 2010 Regulations. He has also advised extensively concerning the preparation and examination of charging schedules and on appeals concerning liability notices.

Land Assembly and Disposal

Douglas has developed considerable experience in advising local authorities and their development partners concerning land assembly exercises. He has particular experience in the operation of the procedure for compulsory acquisition as well as appropriation of local authority land for planning purposes within the provisions of the TCPA 1990, and its

implications including in respect of extinguishment of covenants and rights of way and in respect of the compensation provisions which follow there from. He is at present engaged to advise a local authority concerning the appropriation of land for major housing development in the Midlands together with the various compensation claims which have arisen. He is also advising in respect of similar land acquisition issues concerning the proposed Garden Bridge, in Central London.

Enforcement

He has considerable experience of planning enforcement both at inquiry, and in the High Court in the context of injunction applications. He is regularly instructed by local planning authorities for complex enforcement cases and is noted for handling detailed factual disputes arising under ground (d) appeals and in lawful development certificate matters. In 2008 he appeared for Lambeth LBC, the successful respondent, in a judicial review which considered a wide range of issues concerning planning enforcement against advertisements and interpretation of schemes of delegation (*R (oao Blow Up Media) v Lambeth LBC* [2008 EWHC 1912 (Admin)]. In 2015, he represented the London Borough of Newham at an inquiry and subsequently in court proceedings concerning an unlawful mosque in the Borough.

Other Areas of Planning Practice

Douglas had been instructed on a number of listed building cases and has developed particular expertise in advising upon, and appearing at, inquiries in relation to enabling development proposals affecting listed buildings and in applying the guidance published by English Heritage concerning that subject.

His other areas of specialism include mineral planning (in which he has recently had two notable successes, one for an appellant and one for a mineral planning authority) and also water and riverbank related development. He appeared recently in a controversial inquiry concerning the right to moor vessels temporarily on the River Thames.

Infrastructure

Douglas is instructed regularly to advise on and to promote DCOs at examination. He is presently retained by National Grid to advise on its proposed electricity transmission connection in Lancashire and Cumbria (including within the Lake District National Park) to serve the proposed new nuclear power station at Moorside.

He was instructed by Highways England in respect of the DCO seeking powers to dual the A30 in Cornwall. He was instructed by BAA in respect of its proposals for a second runway at Stansted Airport, by the Mayor of London in respect of his decision to refuse consent to expand City Airport and by the local planning authority in respect of Thames Water's proposed desalination plant in East London. Douglas, while still a junior barrister, was instructed by LB Southwark in respect of the Thameslink proposals in the Borough.

Douglas was an assistant editor of the Infrastructure Planning Handbook.

Town and Village Greens and Common Land

Douglas is recognised as one of the leading practitioners in this complex and specialist area of land and has been involved in many of the most significant cases in the field.

He appears regularly for landowners and applicants at inquiries and has advised extensively on the subject. He is also asked regularly to sit as an inspector on behalf of registration authorities.

Douglas also advises and acts regularly in respect of applications under the Commons Legislation to secure extinguishment or amendment of rights of common and other applications under the Commons Act 2006. He has acted at commons act inquiries in respect of s.16 deregistration applications and s.38 works applications for a number of utility companies, renewable energy providers, local authorities and landowners. He has recently acted on numerous occasions for Highways England in respect of commons issues arising from highway improvement schemes.

In 2014 Douglas appeared in the Supreme Court in *R (Barkas) v North Yorkshire CC* [2014] UKSC 31, an important case concerning whether local authority land is capable of being registered as a town green under Commons Act 2006.

In 2016 and 2017 he has appeared in *R (Lancashire County Council) v Secretary of State for Environment, Food and Rural Affairs* [2016] EWHC 1238 which raised a wide range of issues concerning TVG law including the application of the statutory incompatibility defence to land held for education purposes. The case is now proceeding to the Court of Appeal.

In 2016 he also appeared for Surrey County Council in *R (NHS Property Services Ltd.) v Surrey County Council* [2016] EWHC 1715 (Admin), which involved a challenge to a decision of the County Council as commons registration authority to register land as a green under the Commons Act 2006. The case concerned, inter alia, the power of a registration authority to reject the recommendation of its inspector and also the applicability of the statutory incompatibility defence to land held by the NHS.

In 2016 he also appeared for the successful claimant in *R (Goodman) v Secretary of State for Environment, Food and Rural Affairs* [2015] EWHC 2576 (Admin) in which a decision to reject a TVG application was quashed on the basis of wrong interpretation of the law concerning implied appropriation of land and in *R (Allaway) v Oxfordshire County Council* [2016] EWHC 2677 (Admin), an important decision by Patterson J. concerning the relationship between use of public footpaths and use of land to support a claim to registration as a TVG under the Commons Act 2006.

In 2016 and 2017 he has appeared at numerous public inquiries, generally for landowners, to oppose TVG application. Examples include acting for Stena Lines in respect of an application to register land at Holyhead Port as a TVG, for landowner in respect of a large greenfield site in Wokingham.

In 2016, he also appeared for the claimant at a lengthy trial in the Chancery Division arising from an application made under s.14 of the Commons Act 1965 to reverse a registration of land in Essex as a TVG (see *TW Logistics Ltd v Essex CC* [2017] EWHC 185 (Ch)).

In 2015, Douglas was instructed by Belway Homes plc at a two week public inquiry to oppose successfully a TVG application in respect of an extensive area of development land on the edge of Billingshurst, Sussex.

Douglas appeared for the successful landowner in objecting to an application to register land at Brill, Buckinghamshire as a village green. The case gave rise to important issues concerning whether land held by a local authority under the housing acts is capable of becoming a green. He also appeared in 2008 and 2011 to oppose successfully controversial applications to register a large development site in Woking as a green. The lengthy inquiry into the first application gave rise to complicated legal issues including whether a highway could be registered as a green. The inquiry into the subsequent application led to the much-relied on decision that cause of action estoppel applies to Commons Act proceedings. In 2011 he appeared for Persimmon homes to successfully oppose an application to register as a green a large area of Weston Airfield, Somerset and in the same year appeared for Fairview Homes in their successful opposition to registration of land in Hertfordshire.

Douglas appeared for the TVG applicant in the House of Lords, as well as the lower courts, in the "Trap Grounds" case (formally reported as *Oxford City Council v. Oxfordshire County Council and Robinson*). This case raises a range of critical issues as to the determination and administration of applications to register land as a town or village green.

Other important cases he has appeared in include:

- *R. (Beresford) v. Sunderland City Council* (2004) 1 AC 889 - he appeared for the successful appellant in this decision in which the House of Lords, overturning the lower courts, held that the implied permission of a landowner was not capable of rendering use other than as of right.
- *McLaren v Kubiak* [2007] EWHC 1065 (Ch) - he appeared for the defendant who successfully obtained an order striking out an application for a declaration that land could not be registered as green. He succeeded in persuading the court that it had no jurisdiction to decide whether land qualified as a green.
- *High Peak Borough Council v Derbyshire County Council* - he appeared for the county council in a case concerning its decision to register land as green; the court held that where any part of the land applied for was a green, there was an obligation to register land as a green.

Open Space

Douglas' experience in the law relating to common land and green has led to regular instructions to advise local authorities and their development partners concerning the management of open space. He is instructed frequently to advise local authorities in respect of the exercise of powers of management and use of public open space. He has

also advised several local authorities concerning proposals for rationalisation and disposal of open space and the navigation through the complex procedures and decision-making processes which are involved.

In 2017 Douglas was instructed by LB Wandsworth to oppose an application for judicial review by which the Council's exercise of statutory powers to permit the use of Battersea Park for the "formula e" motor racing event was challenged.

Environmental Law

Douglas has a busy practice in the field of environmental law. He advises and appears regularly in statutory nuisance appeals for both local authorities and commercial operators in both the civil and criminal courts. His clients include a considerable number of large industrial companies and public utilities.

Recently Douglas appeared for Anglian Water in *Manchester Ship Canal Company v United Utilities Ltd and Anglian Water Services PLC* [2014] UKSC 40 in Supreme Court in the important appeal concerning entitlement for water utilities to discharge into watercourses;

He has had particular experience also in private nuisance cases and has acted in several cases concerning nuisance arising from the agricultural sector. He has acted in particular both for claimants and for the farming industry in respect of private nuisance actions arising out of farming operations. He acted for Staffordshire County Council in respect of an enforcement action and subsequently for an injunction to restrain unlawfully tipping of liquid waste on farmland.

He also acts regularly for the water industry. By way of example, he has been instructed by Thames Water Utilities to defend a prosecution concerning statutory nuisance arising at the Crossness Sewage Treatment Plan. He has also represented Anglian Water in respect of similar actions.

He has recently been instructed by a London local authority in the first reported action in the High Court for an injunction to restrain a serious statutory nuisance from a licensed premises, where criminal proceedings has not proved to be adequate remedy.

He has also prosecuted and defended in criminal proceedings involving breach of the IPC and waste management licenses. He has recently successfully defended a multi-national company against a range of offences brought under part 1 of the Environmental Protection Act 1990.

In the environmental field, Douglas has particular experience in water related matters and has recently been heavily involved in statutory nuisance proceedings against a water utility, in an inquiry into a discharge consent application for a water utility and is presently engaged in a large civil claim by a landfill operator against a water company in respect arising out of a trade effluent agreement.

Compulsory Purchase & Compensation

Douglas appears regularly for claimants and acquiring authorities at CPO inquiries and in

the Lands Tribunal.

He has particular experience in dealing with compulsory purchase compensation claims concerning agricultural holdings and affecting minerals rights, particularly arising from transport and infrastructure schemes.

He also has particular experience in respect of promoting compulsory purchase orders affecting common land and rights of common, and has been instructed by the Highways England and several local highway authorities in respect of order affecting such land, most recently in respect of the duelling of the A30 in Cornwall.

He was retained by TfL as part of its panel of counsel to act for the compensating authority in respect of claims arising from Crossrail, and acted in respect of many such claims, particularly arising from acquisition of interest in retail units, A3/A4 premises and betting offices in London. In the past few years, he has appeared in a large and complex loss of profits claim arising from a road scheme affecting a private hospital and nursing homes, and in respect of an extinguishment claim in respect of an agricultural unit arising from a rail scheme, in both cases representing the claimant. He also represented TfL to oppose successfully at inquiry a purchase order arising from the Crossrail scheme.

He represented Nottinghamshire County Council in respect of a compensation claim for loss of land at a retail park, as result of a road scheme. He appeared, as junior to Robin Purchas QC, in a major and long running claim arising from an urban development scheme in central Bristol.

Douglas has particular experience in respect of disturbance and loss of profit claims, and has acted and advised recently in respect of several cases concerning disturbance compensation.

He also has particular experience in compensation claims arising from extinguishment of covenants and rights of way following acquisition or appropriation of land by local authorities, and is presently retained by a local authority who are addressing several substantial claims following appropriation of land under the Town and Country Planning Act 1990. He also advised Westminster City Council in respect of the compensation implications arising from the Garden Bridge project, in Central London.

Douglas is presently instructed in to advise on, and to promote, a large CPO to bring forward a Mayoral housing zone in East London and also, in the same area, to promote a CPO to acquire a large brownfield site allocated for development in a local plan, following a refusal by the landowner to release the site for development.

Parliamentary

Douglas' recent parliamentary practice has involved representing several landowners and developers as petitioners against the Crossrail Bill and, more recently, HS2. He appeared for Network Rail in its petition against powers sought to be taken through the London Local Authorities Bill in 2007.

Highway and Rights of Ways and New Roads and Street Works

From his early days in practice, Douglas has been instructed to appear and advise on a wide range of highway related matters.

He has promoted substantial road schemes both for the Highway Agency and for local highway authorities. These schemes have involved both orders under the Highways Act 1980 and compulsory purchase orders.

He has appeared in many inquiries concerning applications to modify the definitive footpaths map made under the Wildlife and Countryside Act and applications to stop up or divert footpaths and bridleways. He has recently acted for Newhaven Port at a lengthy public inquiry concerning applications to add footpaths within the operational Port into to the definitive map. He acted for Oxfordshire County Council in the court proceedings which arose from the highly controversial order to stop-up a bridleway which passed through the BMW plant at Cowley, Oxford. He is also presently instructed by Millgate Properties in respect of a claim to footpaths over a private estate in Hampshire. He is instructed by Ealing LBC, as local highway authority, in respect of a claim to footpaths over land intended to be used by QPR as a training ground.

Cases included:

Acting for Network Rail on several such applications involving unsafe level crossings.

- *R (Hargrave) v. Stroud District Council* (2003) 1 P&CR 1 - he appeared in both the High Court and the Court of Appeal in this case, which established the power for a local authority to abandon a footpath diversion order after it was made.
- Douglas has particular experience in the application of the New Roads and Street Works Act 1991. He has recently appeared for Virgin in defending the company successfully against a prosecution from exceedance of a street works licence where the works had extended beyond the licenced period. The case gave rise to important issues concerning the relationship between fixed penalty notices and prosecution.

Douglas also acted, as junior to Lord Kingsland QC, for *Thames Water Utilities Ltd. v. London Underground Ltd.* [2004] EWCA Civ 615 - which concerned the cost sharing provisions under the NRSWA 1991 - in both the High Court and the Court of Appeal.

Property Law

Douglas has acted in an advisory capacity and as an advocate in a wide range of property matters including landlord and tenant, mortgages, easements and restrictive covenants. He appears regularly in the Chancery Division and higher courts, before the Lands Tribunal (in particular in respect of restrictive covenant matters) and before the residential property tribunal.
