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Andrew Fraser-Urquhart QC

Practice Profile



QC 2015

Year of call 1993

Andrew Fraser-Urquhart QC (known universally as "AFU") practices in planning, environmental and compulsory purchase law. He specialises in Housing, Regeneration, Minerals, Nationally Significant Infrastructure Projects, Energy, Waste, Renewables and all aspects of Compulsory Purchase.

Andrew is identified as a Leading Silk in Chambers and Partners, described as *"A well-prepared barrister who fights for his clients. He has a very impressive brain"* and is *"a name to turn to for big planning inquiries."*

Having occupied *"a pre-eminent place at the junior bar"*, Andrew took silk in 2015 in a *"richly deserved and popular appointment."* Before taking silk, Andrew was recognised as a leading junior in the Legal 500, Chambers and Partners and Legal Experts.

As *"an experienced counsel possessed of great style"*, he is described in the legal directories as *"ambitious and hard-working [and] provides excellent, pragmatic advice"* and is *"a robust advocate"* who has *"great tactical awareness and the ability to highlight and concentrate on the main issues of a case"*.

Andrew is the consultant editor of Halsbury's Laws: *"Mines, Minerals and Quarries"*, 5th and 6th editions.

Andrew prides himself on his *"approachable, modern style"*, flexibility and quality of service. He is always happy to travel to clients' offices and to discuss cases informally before instruction.

He is qualified to accept instructions directly from the public under the Direct Public Access Scheme.

Testimonials

"[Andrew] maintains a prominent position in the planning space, handling an extensive array of green belt, housing, retail and conservation matters. His caseload demonstrates his particular experience in tackling major energy projects." Chambers and Partners

"great tactical awareness and the ability to highlight and concentrate on the main issues of the case" and "an ambitious and hard-working junior who provides excellent, pragmatic advice" and "a robust advocate". Chambers and Partners

"an experienced counsel possessed of great style." Chambers and Partners

"a burgeoning reputation in renewable energy work" and is "tough but fair in cross-examination." Legal 500

Planning Law Survey 2012, 2013, 2014, top rated junior

Experience

Planning

Andrew specialises in housing, regeneration, large infrastructure, waste and energy projects (including Energy from Waste), minerals and mining, and renewables.

He is well known for his expertise in dealing with difficult housing cases which focus on the interpretation of the NPPF. His characterisation of the working of footnote 9 NPPF 2012 was described by Coulson J in the **Forest of Dean** case as "the clearest

application" of those principles that the Court had yet seen.

He also has particular expertise in dealing with Nationally Significant Infrastructure Projects under the 2008 Planning Act regime and was the first junior ever entrusted with the promotion of a DCO. He deals in particular with road, rail, port and power station projects

His planning practice also encompasses all areas of retail, green belt and listed buildings and conservation.

Andrew has a further expertise in outdoor advertising.

His work encompasses DCO Hearings, Planning Inquiries, Local Plan Examinations, CPO inquires and compensation hearings, and associated High Court and Court of Appeal challenges.

He is the consultant editor of Halsbury's Laws of England, Vol 31, Mines, Mineral & Quarries, 5th ed.

Recent highlights have included:

Residential

- Appearing for Persimmon Homes in a judicial review of pre-commencement conditions concerning the major development at Yew Tree Lane, Droitwich
- Appearing for Trenport Investments promoting residential development as part of the Euro IV redevelopment in Shepway, Kent
- Appearing for Newcastle-under-Lyme Council in a major residential appeal at Keele University's Hawthorns sites; the appeal was dismissed despite being a contrary to officer recommendation refusal and where the Council did not have a 5 year supply of housing;
- Appearing for Newcastle-under-Lyme Council in major residential appeal at Baldwin's Gate, Staffordshire;
- Promoting a 19-storey student accommodation block at Great Dover Street, Southwark;
- Promoting the ground-breaking eco-home Sundial Gardens House in the Cotswolds AONB;
- Acting for the Mayor of London at the Trad Site, Imperial Way, Bow inquiry, successfully resisting a scheme for a major residential scheme with 19 and 15 storey tower blocks with major implications for the Mayor's plans for the comprehensive redevelopment of the Bromley-by-Bow area;
- The 4 month Tonbridge & Malling Major Sites Inquiry, where Andrew acted for Trenport Investments/Berkeley Homes in securing planning permission for 1,000 houses in competition with two other sites;
- Overturning the PPS12 presumption of soundness in the Court of Appeal and quashing the adopted affordable housing policy in one of the very first successful High Court challenges to a new style DPD in *Persimmon Homes v Blyth Valley DC*;

NSIPs, Energy, Windfarms and Infrastructure

- Promoting at inquiry the redevelopment of the Daw Mill colliery site for a rail maintenance and production facility.
- Advising the providers of worker accommodation for the Wylfa B nuclear power station DCO.
- Advising the promoters of the Tilbury Port extension DCO.
- Promoting at Examination the White Rose CCS power station DCO, the first-ever commercial-scale CCS coal-fired power station.
- Advising I-Gas on their planning application for exploratory shafts for Fracking at Mission Hills, Nottinghamshire.
- Advising the operators of Purfleet Port on expansion DCO.
- Promoting at Examination the North Killingholme (Generating Station) Order at Examination. Andrew acted for the applicant (C.GEN) for this DCO to enable the construction of a combined gas and coal fired power station at Killingholme on the southern banks of the River Humber. He was the very first junior counsel entrusted with the promotion of a DCO.
- Represented objectors to the Swansea Bay Tidal Lagoon scheme;
- Advised the Port of London Authority in respect of the Thames Tideway Tunnel;
- Appearing for Milton Keynes Council at the Orchard Way Windfarm inquiry, the first inquiry held following the issue of new Planning Guidance on Renewable Schemes;
- Advising Milton Keynes Council on a judicial review challenge to their Wind Energy SPD which sought to impose mandatory separation distances between wind turbines and residential properties;
- Appearing for C.RO/C.GEN (Humber-side Ro-Ro Ferry Terminal) at the NSIP Panel examination into the Able Maritime Industrial Park, Killingholme, North Lincolnshire;
- Acting for North Devon DC resisting the Batsworthy Cross windfarm at Knowstone, North Devon, in the first major windfarm inquiry fought under the NPPF;
- Appearing for The Isle Of Wight Council resisting the proposed Cheverton Down windfarm;
- Resisting the Three Moors Windfarm proposal on the borders of Exmoor National Park;

Local Plans

- Promoting the Havering Local Plan at Examination
- Appearing for the SE Milton Keynes Consortium of developers at the Central Bedfordshire Local Plan Examination
- Appearing for the developers of Manston Airport at the Thanet Local Plan Examination
- Appearing for the developer Waystone Ltd promoting the Clowne North SUE at the Bolsover Local Plan EIP;
- Appearing for Trenport Investment promoting residential development sites at the Swale Local Plan Examination

Minerals

- Acting for the promoters at the 3-week Gorse Lane Quarry, nr. Grantham, Lincs limestone quarry inquiry
- Acting for the promoters at the 3-week Pave Lane Quarry, Telford, Shropshire sand and gravel quarry inquiry.

- Acting for Hargreaves Surface Mining at the Field House Surface Mine inquiry
- Securing permission for UK Coal at the reconvened Bradley Surface Mine inquiry
- Successfully striking out an application by Hartleyburn Parish Council under section 288 to challenge the planning permission granted for an opencast mining scheme at Halton Lea Gate, Northumberland (see below).
- Acting for Mick George Ltd in securing permission at inquiry to infill the Thornhaugh II quarry site nr. Peterborough with inert waste;
- Securing planning permission for an opencast mine at Halton Lea Gate, Northumberland, immediately adjacent to the North Pennines AONB, in the first opencast inquiry fought under the NPPF;
- Appearing for UK Coal at Bradley Surface Mine inquiry in the Derwent Valley, Co. Durham and acting in the High Court challenge;
- Acting for UK Coal in securing planning permission at inquiry for the Huntington Lane Surface Coal Mine, Shropshire and the Long Moor Surface Coal Mine, Leicestershire and successfully resisting a judicial review of the grant of permission at Long Moor;
- Appearing in one of the most controversial planning applications in recent years in Cornwall, South Crofty Tin Mine, Camborne; Andrew acted for the developers on their proposal to return the last tin mine in Cornwall to full production and undertake large scale residential development on cleared land. The Regional Development Agency opposed the scheme and Andrew appeared at the 3 month planning Inquiry and successful judicial review of the adoption of the local Area Action Plan;

Compulsory Purchase

CPO highlights have included:

- Advising and acting for the promoters of the CPO for the urban regeneration scheme at Bridge Close, Romford.
- Acting for the lead objector at the Alma Close urban regeneration CPO inquiry.
- Acting for the Dartford and Gravesham NHS Trust in their Upper Tribunal appeal following compulsory purchase of land at Dartford Hospital for the Dartford Fasttrack rapid transit system;
- Appearing at the planning inquiry for the 1,000 houses Peters Village Scheme, Kent and advising on CPO issues thereafter.
- Acting for/advising Sheffield City Council on acquisition of unused properties in the city;
- Bringing a High Court challenge to the acquisition of a large terrace of houses by Blackburn with Darwen Council for the purpose of Darwen Academy School;
- Appearing for Stagecoach Buses at the Olympic CPO Inquiry;
- Persuading the Inspector to recommend refusal of the Arsenal Football Stadium CPO;

Waste

- Acting for Veolia ES at the 6-week Ratty's Lane, Hoddesdon ERF (Energy from Waste) call-in inquiry.
- Gorse Lane Quarry: waste importation and recycling scheme to re-contour limestone quarry - issues of waste hierarchy, alternative locations and

environmental issues.

- Pave Lane Quarry - waste importation and recycling scheme to restore sand and gravel quarry - issues of waste hierarchy, alternative locations and environmental issues.
- Thornhaugh 2 quarry restoration scheme - waste importation and recycling scheme to restore sand and gravel quarry - issues of waste hierarchy, alternative locations and environmental issues.
- Acting for Buckinghamshire CC resisting proposals for waste importation at Wavendon Golf Course.
- Acting for John Drake Developments at inquiry for waste importation for bunds alongside M1 at Milton Keynes.

Retail, Leisure and Enforcement

- Appearing for the successful appellants in the leading Court of Appeal enforcement case of *Ahmed v SSCLG* [2014] EWCA Civ 566
- Appearing for the appellant in the High Court enforcement cases *Silver -v- SSCLG* [2014] EWHC 2729 (Admin) and in *Elmbridge - v- SSCLG* [2015] EWHC 1367 (Admin)
- Appearing for Sheffield City Council in resisting permission for a Next Home and Garden Centre at Meadowhall, Sheffield, in the first major retail inquiry after the redefinition of the sequential test by the Supreme Court in the Dundee case and the High Court in the North Lincolnshire case.
- Appearing for Chesterfield BC resisting an extension to the town's Sainsbury's store, in the first major retail inquiry contested under the then new PPS4 policy regime;
- Advising local residents in opposition to a proposed River Cottage Restaurant in Winchester;
- Acting for Q Hotels promoting a extension of a planned PGA championship-standard golf course at Forest Pines Golf Centre, North Lincolnshire;

Listed Buildings and Conservation

- Acting for the developer in successfully defending a prosecution by Westminster Council for the alleged destruction of a wall during the reconstruction of a listed building in the Paulton Square Conservation Area in Chelsea.
- Successfully bringing an action for judicial review to quash a grant of planning permission to Transport for London for a "Boris Bike" docking station opposite a Listed Building on Fulham Palace Road.
- Promoting a 19-storey student block opposite the Grade II* listed Church of St.George the Martyr at Great Dover Street, Southwark.
- Promoting the ground breaking eco-home Sundial Gardens House in Coln St.Aldwyns, Gloucestershire in the Cotswolds AONB and adjacent to the Grade II listed Church of St.John the Baptist (2010).
- Quashing the designation of a conservation area by Worcester City Council, where the designation was an illegitimate attempt to frustrate a development which involved the demolition of a locally-listed cricket pavilion: *Arndale Properties Ltd, R (on the application of) v Worcester City Council* [2008] EWHC 678 (Admin).
- Promoting an 80-unit residential scheme at Bransford Road, Worcester where the

development was required to preserve and convert the locally-listed former Cinderella Works shoe factory (2007).

Outdoor Advertising

- Advising Barratt Homes on the outdoor advertising at the Great Western Quarter development in West London
 - Appearing for Clear Channel plc in the Court of Appeal in the leading case *Clear Channel v LB Hammersmith* (2009);
 - Appearing for Clear Channel plc in the Court of Appeal in the leading case *Clear Channel v LB Southwark* (2008);
 - Appearing at Advertising Appeal Hearing and advising on planning permission for "Octopus" office building in Chiswick;
 - Quashing prosecutions relating to adverts on Wembley Way on the grounds of abuse of process in *Postermobile plc v LB Brent* (1998)
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Qualifications & Appointments

Affiliations

- PEBA
- ALBA

Education

- MA (Hons) Cantab, 1st Class
- Inns of Court School of Law, Very Competent

Scholarships

- Astbury Law Scholar of the Middle Temple.
- Inns of Court Studentship Award.

Languages

- French (proficient)
 - German (intermediate)
 - Russian (intermediate)
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Training

He is also in demand as a lecturer and trainer on a wide range of planning matters. He was given the prestigious task of Conference Summariser at the Oxford Joint Planning Law Conference in 2007.

He has recently given training sessions on matters as diverse as minerals planning, enforcement, the NPPF and housing, and Fracking.

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