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Alexander Booth QC

Practice Profile



QC 2016

Year of call 2000

Alex Booth has a practice which encompasses all aspects of planning, infrastructure and compulsory purchase law. He regularly appears on behalf of private and public bodies in Examinations, Public Inquiries, the High Court and the Lands Tribunal; he has also appeared in the Court of Appeal and the Supreme Court. Overseas he advises clients in Commonwealth jurisdictions where his experience includes having successfully brought judicial review proceedings in the Turks and Caicos Islands and acting for the Government of Bermuda in both compensation and constitutional litigation.

He is regularly instructed in connection with nationally significant infrastructure development, in which context as junior counsel he promoted the Covanta Resource Recovery Facility at Rookery South and more recently promoted The Thames Tideway Tunnel on behalf of Thames Water. Since taking silk he has promoted a number of Development Consent Order applications, including the Northampton Gateway and West Midlands Strategic Rail Freight Interchanges, the Riverside Energy Park, and Esso's Southampton to London aviation fuel pipeline.

He is also instructed in respect of a broad spectrum of development promoted pursuant to the TCPA 1990 including residential, commercial and energy related schemes. In this regard he regularly appears in Section 78 and Local Plan proceedings, on behalf of a range of developer and planning authority clients. Areas of particular focus include housing delivery and minerals

& waste operations. In this regard recent instructions have included successfully contesting the imposition of conditions by Surrey County Council in ROMP proceedings, and defending the right of Central Bedfordshire Council to depart from 'standard Methodology' when assessing housing needs.

As regards compulsory purchase, he has extensive experience and has successfully sought CPO powers in various different contexts; these include infrastructure (pipe lines and power stations) and regeneration (both commercial and residential). In addition, he regularly appears for landowners (both corporate and individuals) resisting compulsory purchase orders. Current instructions include the promotion of a series of compulsory purchase orders for regeneration of housing estates in London Borough of Merton.

He also specialises in valuation/compensation proceedings arising out of compulsory purchase. In this regard he acted for the GLA in a series of references to the Tribunal concerning the compulsory acquisition of land for the London 2012 Olympics, and is acting for claimants in a number of references relating to the acquisition of land for both Crossrail and Thameslink. He is also currently advising claimants in respect of proceedings related to HS2, and acting for the acquiring authority in connection with the Northern Line Extension.

Parliamentary work includes acting for parties petitioning against HS2, both in the Commons and in the Lords, and bringing proceedings pursuant to Special Parliamentary Procedure in respect of a contested Development Consent Order.

He is a member of the Planning & Environmental Bar, the Compulsory Purchase and National Infrastructure Planning Associations. He is an author of the National Infrastructure Planning Service.

Testimonials

"He is really reliable, technically robust and helpful in reaching a decision with clients. He is impressive in his advocacy" Chambers and Partners

"He is very good on his feet. The way he deals with the issues as they arise in cross-examination is impressive" Chambers and Partners

"Very much a rising star", who is "very good across the board" Chambers and Partners

"He is very methodical and dedicated, and really cares about the matters he is instructed

upon." Chambers and Partners

"Someone who is "not only excellent on the details but can also look at the big picture" and who "leads a team by example." Chambers and Partners

"His strength is his ability to cut through huge amounts of detail to the real issues." Legal 500

Cases of Note

- Land Compensation proceedings in the Supreme Court [Bloor v HCA] Promotion of Northampton Gateway Strategic Railfreight Interchange NSIP Promotion of Riverside Energy Park NSIP for Corey
 - Promotion of Thames Tideway Tunnel NSIP for Thames Water Promotion of 65MWe Energy from Waste NSIP for Covanta
 - Statutory Review regarding planning enforcement in the Supreme Court [Welwyn Hatfield v SoS & Beesley]
 - Resisting constitutional challenge on behalf of the Government, in Supreme Court of Bermuda [Allied Trust v Minister of Home Affairs]
 - London Olympics Judicial Review on behalf of the London Development Agency [R (Sole v SoS and LDA)]
 - Achieved record multiplier for business disturbance in Crossrail compensation claim [SME (Hammersmith) Ltd v TfL]
 - Promoting compulsory purchase orders on behalf of National Grid Gas in South Wales
 - Statutory Review of Open Cast Coal Mining Scheme in the Court of Appeal Coventry Airport Expansion Inquiry
 - Judicial Review of London Congestion Charging Scheme Challenging Rating Liability Assessments for Harrods
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Experience

Planning and Infrastructure
CPO and Compensation
Public Law
Rating

PLANNING AND INFRASTRUCTURE

Town and Country Planning

Planning represents a significant element of his practice. He has appeared at numerous planning inquiries on behalf of both developers and local planning authorities, and has wide experience in the fields of residential, commercial, industrial and institutional/community development.

Significant projects in differing fields include

- Promoting large scale residential development within the Kent greenbelt;
- Promoting retail development in the form of a B&Q Superstore at Castleford;
- Promoting the construction of a book depository to serve the Bodleian Library for Oxford University; and
- Resisting multiple windfarm developments in rural Norfolk.

Recent Inquiry appearances include acting for Central Bedfordshire Council in a series of 23 Section 78 Appeals. Most recently he successfully prevailed upon an Inspector to disapply the 'Standard Method' as provided in the NPPF, and instead assess local housing need on a bespoke basis for the district.

Court Appearances including acting in three of the leading cases on planning enforcement, namely *Sumner v. Secretary of State and Wycombe District Council* (2010) EWHC 372 in the High Court, *Jackson v Secretary of State* [2015] EWCA Civ 1246 in the Court of Appeal, and *Welwyn Hatfield Borough Council v. Secretary of State and Beesley* (2011) UKSC 15 in the Supreme Court. Development control proceedings include

- *R(on the application of Coleman)v London Borough of Barnet* [2012] EWHC 3725
- *R(on the application of Creed-Miles) v London Borough of Southwark* [2013] EWHC 853
- *R(on the application of the Forge Field Society) v Sevenoaks District Council* [2014] EWHC 1895
- *R(on the application of Working Title Films v Westminster City Council* [2016]

He also advises authorities on the subject of local development frameworks, and has promoted various development plans in both England and Wales. In 2018 he promoted both the London Borough of Hammersmith and Fulham and the Harborough Local Plans at Examination. He is currently acting on behalf of Cheshire East Council to promote an Area Action Plan for the regeneration of Crewe Town Centre.

Infrastructure

He has experience in connection with a wide range of infrastructure development and nationally significant infrastructure projects, and is now recognized as one of the leading practitioners in this field

In terms of recent instructions, in 2019 he acted for the promoters of two separate Strategic Rail Freight Interchanges, Northampton Gateway and West Midlands Interchange. In addition, that same year he also promoted the Riverside Energy Park on behalf of Corey Environmental Holdings Ltd. He has also just concluded acting for Esso at the Examination held to consider its application for development consent in respect of an aviation fuel pipeline from Southampton to London. A further ongoing instruction is as part of the counsel team leading promotion of the Third Runway at Heathrow.

Other projects of note include acting for Thames Water to promote the Thames Tideway Tunnel. In this regard he also acted for Thames Water in resisting four sets of judicial review proceedings brought in respect of the DCO, including *R (Blue Green Economy) v Secretary of State* [2015] EWCA Civ 876 and *R (London Borough of Southwark) v Secretary of State* [2015] EWHC 495. Further, he also promoted the Resource Recovery

Facility at Rookery South on behalf of Covanta and acted for Associated British Ports to oppose the grant of consent for a Marine Energy Park adjacent to the Port of Immingham on the Humber Estuary.

Other infrastructure work includes acting on behalf of National Grid to deliver LNG Pipelines in South Wales, and advising the same company regarding the construction of tunnels beneath North London to accommodate high voltage electricity cables required in connection with Crossrail.

Work in the wind energy sector includes appearing on behalf of the local planning authority at planning inquiries to oppose wind farms in North Norfolk.

He is an author of the National Infrastructure Planning Service.

Listed Buildings and Conservation

He has acted on behalf of developers and planning authorities at public inquiries concerned with development in extremely sensitive contexts. Projects include the re-development of a contaminated site adjacent to a Grade I Listed Cathedral in Norwich, and the erection of residential development in the Hampstead Conservation Area, adjacent to a Grade I Listed Georgian Terraces.

In addition, he also appears in criminal matters relating to listed buildings, appearing on behalf of both prosecuting authorities and defendants. Notable appearances include the successful prosecution of an individual for unauthorised demolition of a Grade II listed 'International Modern' building, on behalf of English Heritage.

He has lectured on the law relating to listed buildings at Oxford Brookes University and

Christies, London.

CPO AND COMPENSATION

Compulsory Purchase

He has significant experience in compulsory purchase litigation, both at Inquiry level and in the High Court.

As regards infrastructure, he has successfully sought the authorisation of Compulsory Purchase Powers in connection with promotion of a wide range of developments, including strategic rail freight interchanges, energy from waste facilities, and pipelines. In particular he successfully promoted compulsory purchase orders on behalf of National Grid, in connection with the construction of an LNG pipeline from Milford Haven through the Brecon Beacons National Park, and for Thames Water in connection with the Thames Tideway Tunnel.

In addition, he has wide experience of regeneration CPOs. Recent instructions include promotion of Orders in connection with town centre schemes, (Crewe, Wokingham and Caterham), and housing estate redevelopment (Telfer House Islington, Aberfeldy Estate, Tower Hamlets). He has also previously advised both Westminster City Council and London Borough of Barnet regarding promotion of compulsory purchase orders for large-scale housing regeneration. He is currently promoting a series of three CPOs in connection with the regeneration of housing estates in the London Borough of Merton.

As regards court work, he was instructed by the London Development Agency in Judicial and Statutory Review proceedings, resisting legal challenges to the compulsory purchase order facilitating site assembly for the London 2012 Olympics (*Sole v Secretary of State and London Development Agency* [2007] EWHC 1527 and *R (on the application of Manor Gardens Society) v London Development Agency*).

Compensation and Land Valuation

He has a wide experience of compensation litigation, and is now recognized as one of the leading advocates in this specialist type of proceedings.

He regularly appears in the Lands Tribunal on behalf of both Claimants and Acquiring Authorities. He acted as junior counsel in the landmark valuation case of *Optical Express Ltd v Birmingham City Council* (ACQ/109/2002). Subsequently, he appeared in the significant decisions of *Urban Edge Ltd. v. London Underground Ltd* [2009] UKUT and *TNL Ltd v. Lancaster City Council* [2010] UKUT, (both of which were concerned with planning assumptions as relevant to valuation) and *Kaufman v Gateshead Borough Council* [2012] UKUT 8 (LC) (which was concerned with ransom payable in respect of urban regeneration). He has particular expertise in handling complex cases involving extinguishment of businesses and business loss generally. In this context he recently acted for the successful claimant in *Welcocks Ltd v Network Rail* [2019] UKUT 0162.

He acted on behalf of the GLA in a series of proceedings relating to the compulsory

acquisition of land in connection with the London 2012 Olympics, These included the first such reference to come before the Tribunal, *Clearun Ltd v GLA* [2014] UKUT 0116, as well as substantial business disturbance claims in *Kendon Packaging v GLA* [2015] UKUT 6354 and *Bluefoot Foods Ltd v GLA* [2015] UKUT 0208.

He also acted for a number of dispossessed claimants in connection with the compulsory acquisition of land for Crossrail, including Grosvenor Properties and William Hill. He then appeared for the successful claimant in *SME (Hammersmith) Ltd v TfL* [2017] UKUT 0091, in which case he achieved a record multiplier for a business disturbance claim.

He is currently advising claimants in respect of HS2, and acting for TfL as the acquiring authority in connections with claims brought in connection with the Northern Line extension. He is also acting on behalf of claimants with reference to the Thameslink scheme.

He recently appeared in the Supreme Court on behalf of the Compensating Authority in *Bloor v HCA*, [2017] UKSC 12, in a landmark decision concerning the correct approach to assessment of development value.

As regards Commonwealth jurisdictions, he recently advised a hotel consortium in the

Cayman Islands regarding the acquisition of its land for a new highway scheme. He is also currently instructed by the Government of Bermuda, resisting a \$90 million claim for compensation arising from the cancellation of a development agreement in respect of the Hamilton Waterfront.

He also acts in mineral compensation matters. In this regard he appeared on behalf of Dorset County Council in compensation litigation relating to the modification of Minerals Permissions owing to environmental designation of quarries, and appeared both in *Bond v Dorset County Council* [2010] UKUT 364 and *Stone Firms Ltd v Dorset County Council* [2014] UKUT 0527.

PUBLIC LAW

Parliamentary

He acts in Parliamentary Proceedings, with notable recent experience petitioning in respect of HS2 on behalf of both private landowners/companies and public authorities. In 2018 and 2019 he appeared before the Parliamentary Select Committee on various occasions in connection with proposals to tunnel part of the phase2A route beneath Ancient Woodland in Staffordshire, and also in connection with the implications of HS2 for regeneration of Crewe and the wider area of Cheshire.

Other Parliamentary work includes acting in Special Parliamentary Procedure proceedings, regarding the Development Consent Order for Able Marine Energy Park.

Judicial and Statutory Review

He is regularly involved in High Court litigation. Cases of note include having acted for the Mayor of London to defend a legal challenge to the introduction of the congestion charge in Central London (*R (Westminster C.C.) v Mayor of London* (2003) BLGR 611) and acting on behalf of the London Development Agency to resist review of the mechanism to assemble the site for the 2012 *London Olympics Sole v Secretary of State and London Development Agency* [2007] EWHC 1527.

Other experience includes bringing a challenge against the Welsh Assembly's grant of planning permission for large scale opencast coal mining in Merthyr Tydfil, (*Condrón v National Assembly for Wales* (2007) BLGR 87, now a leading authority on 'apparent bias'), and challenging the decision of the Minister of Planning in the Turks and Caicos Islands to grant planning permission for the creation of an artificial island within a marine nature reserve (*R v Physical Planning Board Challenge ex parte Young & Hesse* [2008] CL 02/08).

Earlier this year he appeared on behalf of the Government of Bermuda to resist a constitutional challenge in respect of legislation enabling the Government to void property rights in *Allied Trust & Allied Development Partners Ltd v The Attorney General of Bermuda and the Minister for Home Affairs* [2015] Civ. No. 127

RATING

He regularly advises and appears in connection with disputes relating to payment of non-domestic rates. In this regard, in 2015 he was instructed by Harrods to contest their assessment in the 2005 list before the Lands Tribunal, and previously appeared in the High Court in the *Deloitte LLP and Thomson Financial v. City of London*.

He also acted for the successful Claimant in *Rotherham Metropolitan Borough Council v Langtree Commercial Property*, regarding the liability of property owners to pay rates in respect of vacant property. Other appearances in similar proceedings include *Metis Apartments v Sheffield City Council* and *Commercial Development Projects v St Helens Borough Council*.

Qualifications & Appointments

- BA (Hons) History - Christ Church, Oxford
- Diploma in Law (CPE) - City University
- Scholarships - Middle Temple, Queen Mother's Scholar, Astbury Scholar, Lord Justice Sachs Exhibitioner

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