

## VINCENT FRASER QC

Year of call: 1981  
Year of silk: 2001

Clerked by: Gary Smith Mark Ronson

**AREAS OF EXPERTISE:**

Administrative & Public Law Environment Licensing Local  
Government Planning



## Environment

Vincent is a leading practitioner in all aspects of planning and environmental law advising regularly on development proposals and challenges, and appearing at public inquiries and judicial challenges. He has particular experience in retail and commercial development, residential development, wind farms and renewable energy, waste and compulsory purchase. He has extensive experience promoting infrastructure projects and dealing with environmental and conservation issues. He regularly acts for retailers, leading energy companies, wind farm developers, housebuilders, local authorities and public bodies.

### **Renewable Energy**

Vincent has extensive experience of renewable energy projects having advised on and successfully promoted a number of wind farm proposals in England, Wales and Scotland, including Tween Bridge (Doncaster), Green Rigg (Tynedale), Wandylaw (Berwick), Nuts Grove (Peterborough), Frodsham Marshes (Cheshire), Llanbrynmair (Powys), Garreg Lwyd (Powys), Mynydd Brombil (Neath Port Talbot), Keirs Hill (East Ayrshire) and Out Newton (Holderness). The proposals have involved detailed consideration of a multiplicity of issues including energy policy, landscape and visual impacts, environmental assessment, impacts upon nature conservation interests (including implications for European law), radar, aviation interests, air defence and military training, cultural heritage, archaeology, underground mining, drainage, and noise.

### **Enforcement**

Vincent has extensive experience advising upon and appearing in enforcement cases; examples include local authorities' powers and duties following major development in the absence of planning permission and prior environmental impact assessment, and enforcement following unauthorised waste disposal.

### **Judicial review and Statutory Challenges**

Vincent regularly advises on and appears in Administrative Court proceedings. Please see examples in the significant cases section below.

### **Mining**

Vincent regularly advises and appears on mining proposals and mining related matters including open cast and deep mining and old mining permissions.

### **Waste**

Vincent has extensive experience on a range of waste issues including landfill, bio-remediation, energy from waste, composting, sewage treatment. Examples include successfully promoting a new landfill site near Mold in Flint; successfully resisting a clinical waste treatment facility in Warrington; appearing in inquiry into a modification order addressing the impact of SAC on a permitted landfill site; appearing on behalf of local planning authority in respect of time extension for landfill in St Helens; resisting compulsory purchase order to provide a waste technology park in Accrington; representing the local planning authority in an inquiry into a proposed biomass plant at Barton; representing developer on proposed disposal of asbestos waste

### **Appeals to the Secretary of State in relation to IPPC**

Vincent has experience advising on IPPC.

### **Contaminated land**

Vincent has considerable experience advising landowners and local authorities on contaminated land issues.

### **Disposal by landfill**

Vincent has extensive experience advising on the regulatory and planning issues arising out of disposal by landfill and appearing in related matters.

## **Drainage law**

Vincent advises on drainage issues.

## **Environmental Assessment**

Vincent has extensive experience advising on and appearing in litigation addressing Environmental Assessment.

## **European Directives**

Vincent has extensive experience advising on and appearing in litigation addressing European Directives.

## **Incineration**

Vincent advises on and has appeared in inquiries addressing incineration.

## **Integrated pollution control**

Vincent advises on a wide range of integrated pollution control issues.

Judicial review of permits, site licences and other environmental decisions

Vincent has appeared in a range of litigation and advises on issues concerning permits, site licences and other environmental decision

## **Noise abatement**

Vincent advises on and has experience in litigation addressing noise abatement.

Prosecuting or defending in criminal or abatement proceedings relating to pollution etc.

Vincent has experience in criminal and abatement proceedings.

## **Waste treatment and disposal**

Vincent has extensive experience appearing in and advising on waste treatment and disposal issues.

## **Water supply and sewerage requisitions**

Vincent advises on water supply and sewerage requisitions.

## **Significant reported cases**

**R(Menston Action Group) v Bradford MDC** [2015] EWHC 2292 (Admin) – Interpretation of planning conditions, requirements of sustainable development, whether any requirement to improve upon existing position.

**Trafford BC v SOSCLG** [2014] EWHC 424 (Admin) – Biomass, proper application of waste hierarchy, policy with respect to combined power and heat.

**R (Corbett) v Cornwall Council** [2013] EWHC 3958 (Admin), [2014] P.T.S.R 727 – wind farm, interpretation and effect of NPPF, meaning of “any other information” in Environmental Impact Assessment Regulations, publicity requirements with respect to environmental information and EIA.

**R(Gate) v Secretary of State Transport** [2013] EWHC 2937 (Admin), [2014] JPL 383 – major road development, scope and meaning of nationally significant infrastructure projects, consultation requirements, alternative sites, Habitats Directive.

**R(Maistry) v Hillingdon LBC** [2013] EWHC 4122 – enforcement notice, power to extend time under section 173A TCPA 1990, scope of residual matters amenable to judicial review.

**R(Peel Land and Property Investments Plc) v Hyndburn BC** [2012] EWHC 2959 (Admin), [2013] JPL 371 – retail park, whether planning permission for amendments released conditions restricting development, scope and application of section 75 TCPA 1990, meaning of development, new chapter in planning history.

**R(Zurich Assurance Ltd) v North Lincolnshire Council** [2012] EWHC 3708 (Admin) – retail development sequential test, letting restrictions in section 106 obligation.

**R(Halebank PC) v Halton BC** [2012] EWHC 1889 (Admin) [2013] JPL 56 – availability of protected costs order to parish council, consultation requirements of EIA Directive, whether a section 106 obligation is appropriate or necessary when the land is owned by the local planning authority.

**Hargreaves v SOSCLG** [2011] EWHC 1999, [2012] Env. L. R. 9, [2012] JPL 134 – wind farm, obligations to reconsider negative screening direction, ability to take mitigation measures into account when screening, Habitats Directive.

**Ardagh Glass v Chester City Council** [2010] EWCA Civ 172, [2009] EWHC 745 (Admin) [2009] Env. L. R. 34 - Planning, local government, environment - environmental impact assessment, industrial development, retrospective permission, unauthorised development, enforcement, planning permission, local authorities.

**Barratt Development Plc v Wakefield MDC** [2010] EWCA 897 [2011] JPL 48 - planning, housing, local government - affordable housing, PPS 3, core strategy, planning policy, regional spatial strategies

**R(Yorkcourt Properties Ltd) v Wakefield MDC** [2010] EWHC 2394 – ability to use conditions requiring submission of a scheme, ability to impose conditions not foreshadowed in the application.

**Crowley v Liverpool PSDA Ltd** [2007] RVR 125 - compensation, compulsory purchase, extinguishment, mitigation, retailers, storage.

**Wirral BC v Brock Plc** [2004] EWCA Civ 1611 [2005] Env. L. R. 26 [2005] 2 P&CR 18 - Planning, mining, enforcement - EC Law, direct effect, directives, environmental impact assessment, extension of time, minerals, planning conditions, quarries, decisions.

**Younger Homes (Northern) Ltd v First Secretary of State** [2004] EWCA Civ [2005] Env. L. R. 12 [2005] 1 P&CR 14 - Planning, environment, local government - Environmental impact assessment, planning permission, screening opinions, regulations, delegated authority, prejudice.

**R(Eastleigh BC) v First Secretary of State** [2004] EWHC 1408 (Admin) [2004] 24 E.G. 149 (CS) - Use classes, lawful development certificate, planning control, supermarkets.

**R(Bennett Fergusson Coal Ltd) v First Secretary of State** [2003] EWHC 1858 (Admin) [2004] 1 P&CR 30 - Planning - change of use, coal, industrial processes, lawful development certificates, recycling, use classes order.

**Hussain v Bradford City Council** [2002] RVR 140 - Planning, compulsory purchase, compensation, commercial property, repairs, valuation.

**Morris Homes Ltd v South Ribble BC** [2001] JPL 614 - local plans, structure plans, housing.

**Powergen UK Plc v Leicester City Council** (2001) 81 P&CR 5 - Variation of conditions, time limits, reserved matters, estoppel.

**Enterprise Inns Plc v SOSETR** (2001) 81 P&CR 18 - Compulsory purchase, limitation, time for challenge, delay, local authorities powers and duties, conservation areas.

**R(Pryterch) v Conwy BC** [2001] EWHC Admin 869 - Planning, human rights, environment, local government.

**Bhattacharjee v Blackburn with Darwen BC** [2002] RVR 55 - Compulsory purchase, compensation, limitation, waiver.

**Alnwick DC v SOSETR** (2000) 79 P&CR 130 - Revocation of planning permission, statutory powers, relevance of compensation and financial issues, amendments.

**Lillis v North West Water Ltd** [1999] RVR 12 - Compensation, limitation, delay, estoppels.

**Clowes Developments (UK) Ltd v SOSE** [1996] EG 163 (CS) - air traffic noise, proper interpretation of PPG 24

**UK Waste Management Ltd v West Lancashire DC** [1997] RTR 201 - road traffic regulation order, experimental waste restriction order, reasonable access to site, heavy goods vehicles.

**Taylor v North West Water Ltd** (1995) 70 P&CR 94 - Compulsory purchase, compensation, sewers and drains, valuation, title to land, damage.

**Fallows v Gateshead MBC** (1993) 66 P&CR 460 - Land Compensation Act 1973, noise pollution, roads, entitlement to compensation.

## Profile

Vincent is a leading practitioner in town and country planning, compulsory purchase and compensation, environmental, local government and finance, highways, administrative and public law.

He acts for and advises developers, local authorities, government agencies and interest groups. He regularly appears at inquiries into major infrastructure projects, housing development, major retail and regeneration schemes, commercial development, minerals, landfill and highways.

He regularly appears in the Administrative Court and the Upper Tribunal (Lands Chamber).

**Year of Call:** 1981

**Year of Silk:** 2001

## Areas of Expertise

Administrative & Public Law

Environment

Licensing

Local Government

Planning

## Memberships

Planning and Environmental Bar Association

Administrative Law Bar Association

UK Environmental Law Association

Northern and North Eastern Circuit

## Appointments

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Recorder 2002

Deputy High Court Judge (Admin Court) 2010

## Publications

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Planning Decisions Digest - Sweet & Maxwell 1992

## Qualifications

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Oxford (University College)

Open Scholarship Sweet & Maxwell Prize

MA (1st class) Jurisprudence

1981 Gray's Inn

Holker Entrance Award

Reid Scholar

Band Prize

## Recommendations

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### Chambers UK 2021

"He enjoys an enormously successful practice."

"He is extremely experienced, diligent and a real expert in his field."

"He is a genius in his field and his cross-examination skills are outstanding." "He is a really good advocate."

### Chambers UK 2020

"He is experienced, a very good team leader and an excellent advocate. His cross-examination is very good and he has a good eye for strategy."

"He is a very strong, able advocate."

"He is very much part of the planning landscape in the North." "Very bright and exceptionally well prepared."

### Chambers UK 2018

"He is very knowledgeable and personable. He has a good presence in court and never appears to allow himself to be flustered."

"He is a skilled advocate who gets to the heart of the issue and he's excellent at cross-examination."

"Forthright in the provision of advice and presentation of cases. Strong in cross-examination." "He takes a forensic and measured approach."

"An extremely good and combative advocate." "He's excellent to work with and robust in his advice. He's a very determined advocate who knows his stuff and gives you confidence that you're going the right way."

### Legal 500 2018

'He is very knowledgeable and experienced with a great courtroom presence.'

### Legal 500 2017

'He has a brilliant legal mind and is one of the best cross-examiners around.'

### Chambers UK 2017

"He is a very skilled cross-examiner and an excellent person to have on your side." "His knowledge is encyclopaedic; he truly is a first-class QC."

"He is excellent, his attention to detail is superb and he provides sound advice."

### Chambers UK 2016

"He has always done a great job for us. He's very good at handling the administrative and planning law side of environmental issues."

"His cross-examination is first-class, and the way he puts his cases together is excellent."

#### **Chambers UK 2015**

"He gets to the bottom of every case. He's excellent at cross-examination because he has that detail - it's where he really excels. He's an extremely good advocate."

"His reports on village green inquiries are excellent." "He is detailed, thorough, excellent in cross-examination, and also extremely perceptive in terms of how to direct a case."

"His advice is very sage - he makes you stretch your thoughts on the matters you're dealing with. For a dogfight, I'd instruct Vincent." "Clients really rate his advice on CPOs."

#### **Chambers UK 2014**

Vincent Fraser QC "is very intelligent and effective in cross-examination, with an ability to clearly present complex legal points." "We have used him for both inquiries and court work; he knows the renewables sector and is highly attuned to it."

"He is always on top of his subject matter and is a good strategic thinker."

#### **Chambers UK 2013**

Solicitors say Vincent Fraser QC "is a formidable advocate" who is "intellectually and academically very, very good." Adept at taking on all manner of planning cases, he is particularly known for appearing for and advising retailers, local authorities, housebuilders, wind farm developers and leading energy companies. Of late, he has been appearing for Morrisons at an inquiry into a supermarket proposal in Wells. Vincent Fraser QC proves particularly active in wind farm cases. Recent representative work for him includes successfully acting for Cornwall Light & Power in relation to a challenge brought by Hargreaves to consent given for the construction of a wind farm. He also appeared in the Frodsham wind farm inquiry acting on behalf of Peel Energy.

Vincent Fraser QC is an experienced practitioner with expertise in planning and local government law. He recently represented an authority during the consultation process for changing electoral boundaries.

#### **Planning Magazine**

Vincent is included amongst the top planning Barristers as chosen by leading planning lawyers and consultants in England and Wales.

