

MARTIN CARTER

Year of call: 1992

Qualifications: MA (Oxon) BA (Oxon) Jurisprudence [First Class]

Clerked by: Gary Smith Mark Ronson

AREAS OF EXPERTISE:

Administrative & Public Law Environment Local Government
Planning



Profile

Martin undertook his pupillage at Kings Chambers and has spent his entire practicing career with chambers. He undertakes advisory work and appears at inquiries and the Courts at all levels, including the Supreme Court.

Year of Call: 1992

Areas of Expertise

Administrative & Public Law

Environment

Martin practises in all areas of planning and environmental law, with particular experience of housing where 5 year supply and /or needs assessment is in issue, renewable energy, retail, minerals and waste. He also undertakes work in relation to environmental law, particularly with regard to environmental impact assessment and strategic environmental assessment. Martin has promoted many Local Plans at examination and also appears for objectors at examination hearings. He also practises in the field of compulsory purchase. Martin accepts Instructions throughout England and Wales and in the Isle of Man.

Examples of Significant Inquiries

In 2019, Martin acted for Cheshire West and Chester Council opposing the proposed retention of the University of Chester's Faculty of Science and Engineering within the Inner Zone of the tier 1 COMAH site at Stanlow Oil Refinery. The faculty, to educate 600 students, had been established without planning permission. An inquiry took place to determine an appeal in respect of a lawful development certificate (the University having claimed that the proposal did not need permission), two appeals against enforcement notices seeking removal of the faculty and a planning appeal in respect of the retrospective application to keep the faculty. The HSE appeared at the inquiry by leading counsel to support the Council's stance, as did the operators of Stanlow refinery. A decision is awaited.

In October 2019 Martin appeared at inquiry for Gladman Developments Limited, promoting a mixed use scheme of up to 215 dwellings and 2.25Ha of B1 and B8 employment land on a greenfield site at Bishops Cleeve, Tewkesbury. The appeal (3229581) was allowed.

In 2018, Martin led Stanzie Bell of Kings Chambers, acting for Stockport MBC to oppose large scale out of centre retail development at a call-in inquiry, relating to land at Handforth Dean, in Cheshire East. The larger phases of the called-in application (PINS ref 3179605) were refused planning permission on grounds which included the proposal's likelihood to harm the vitality and viability of Stockport town centre.

In 2018, Martin secured planning permission on appeal for up to 145 dwellings on a greenfield site in Meppershall, Central Bedfordshire (appeal 3190584).

Significant Reported Cases:

R (Thompson) v Conwy CBC and another [2019] EWHC 746 (Admin) [interpretation of Development Plan policy].

R (Larkfleet Homes Limited) v Rutland County Council [2014] EWHC 4095 (Admin) [neighbourhood planning].

Gladman Developments Limited v Wokingham Borough Council [2014] EWHC 2320 (Admin)[Local Plan challenge].

R (BDW Trading (trading as Barratt Homes)) v Cheshire West and Chester Council and others [2014] EWHC 1470 (Admin) [neighbourhood planning]

Hargreaves v Secretary of State for Communities and Local Government and another [2011] EWHC 1999 (Admin); [2012] Env LR 9 [2012] JPL 134 [Habitats Directive]

R (Woolley) v Cheshire East Borough Council [2009] EWHC 1227 (Admin)[European Protected Species]

Compulsory Purchase

Martin has extensive experience of acting in compulsory purchase and compensation cases. He works with acquiring authorities to prepare for inquiries whilst also endeavouring to negotiate and resolve outstanding objections. He also acts for objectors.

In 2019, he was jointly instructed by Sheffield City Council and Urbo (West Bar) Limited to promote a CPO to assemble a site in Sheffield city centre for a very large scheme of mixed use urban regeneration comprising offices, hotel, retail, leisure and community uses. The scheme had a total value of over £500m. Most objections were resolved, only one objector appeared at the inquiry and the order was confirmed by the Secretary of State.

In 2018, he acted for the Environment Agency, promoting four separate CPOs to provide new fish passes in the River Severn to promote the conservation of rare fish species. The case was notable as it was the first occasion when the Environment Agency had used its compulsory purchase powers for a reason other than flood defence and was also believed to be the first exercise of the powers of compulsory purchase under the Salmon and Freshwater Fisheries Act 1975. All four orders were confirmed by the Secretary of State.

In 2018 he acted for Sunderland City Council promoting the Highways Act orders, including a CPO, in respect of phase 3 of the Sunderland Strategic Transport Corridor. He had been led by Stephen Sauvain QC in the earlier inquiries for phase 2, which included a new bridge over the River Wear, the first new crossing over that river for 40 years. All of the orders for phase 2 and 3 were confirmed. The bridge was later named the Northern Spire.

In 2017 he was jointly instructed by Liverpool CC and Sefton MBC to promote the CPO and other Highways Act orders to allow for the dualling of a stretch of the A565 from Liverpool past Bootle Docks. The orders were all confirmed by the Secretary of State.

Martin has also acted to promote various sets of Highways Act orders where a successful conclusion has been achieved by way of resolving objections, such that inquiries have not proven necessary and orders have been confirmed as unopposed orders.

Notable compulsory purchase and compensation cases:

Mapeley Beta Acquisitions Co Limited v SoSCLG and Swindon BC [2016] EWHC 2997 (Admin) [successfully defended confirmation of a CPO on behalf of the Secretary of State]

Mufasa Limited v SoSCLG and Burnley BC [2014] EWHC 1337 (Admin) [successfully defended confirmation of a CPO on behalf of the Secretary of State].

Behic and Others v Northumberland Council [2017] UKUT 269 (LC) [disputed compensation]

Boulder Bridge Lane Trust v Barnsley MBC [2017] UKUT 81 (LC) [Certificate of Appropriate Alternative Development].

Martin is a Member of the **Compulsory Purchase Association**.

Village Greens

Martin accepts Instructions to appear as advocate at inquiries into applications to register land as a Village Green. He is also regularly instructed by Registration Authorities to sit as an Inspector at inquiry and to report to the Authority with recommendations. He undertakes Court work in relation to Judicial Reviews on such matters and has appeared in the Supreme Court in a leading case on the proper interpretation of section 14 of the Commons Registration Act 1965.

Significant recent inquiries:

In 2019, Martin appeared at a non-statutory inquiry for a land promoter objecting to the proposed registration of land at Brabourne Lees, Kent, as a village green. The Inspector's recommendation not to register the land was accepted by the Commons Registration Authority.

Significant Reported Cases

Paddico (267) Limited v Kirklees Metropolitan Council [2014] AC 1072; [2014] 2 WLR 300; [2014] 1 P&CR 24; [2014] JPL 745.

Highways

Martin practises in all areas of Highway Law. Such work is advisory, at inquiry and in Court, and he has promoted road schemes, including motorway improvements for the Highways Agency. He regularly advises in relation to stopping up, diversion and the creation of public highways and the existence and extent of the highway authority's duty to maintain the highway.

Significant Reported Cases

R (on the application of Spice) v Leeds City Council [2006] All ER (D) 391 Feb [scope of sections 116 and 117 of the Highways Act 1980].

Local Government

Martin undertakes work in relation to local authority decision-making, duties, powers and structures, particularly in areas connected with the above areas of expertise.

Significant Reported Cases

R (on the application of Gardner) v Harrogate BC and Atkinson [2008] EWHC 2942 (Admin)[bias in decision making]

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Significant Reported Cases

R (on the application of Spice) v Leeds City Council [2006] All ER (D) 391 Feb [scope of sections 116 and 117 of the Highways Act 1980].

Appointments

Junior Counsel to the Crown (Provincial Panel)

Memberships

Planning and Environmental Bar Association

Administrative Law Bar Association

Northern Circuit

North Eastern Circuit

Compulsory Purchase Association

Qualifications

MA (Oxon) BA (Oxon) Jurisprudence [First Class]

Recommendations

Chambers UK 2021

"He is a great team player and a steady hand in litigation." "Listens to his clients, gives calm, measured advice and gets the job done."

Legal 500 2021

"Martin is a very good and experienced barrister. He is an excellent practitioner in the our field. He was a good cross examiner and I was impressed with his competency throughout."

Legal 500 2020

"Exceptionally capable and personable."

Chambers UK 2020

"Martin impresses with his ability to manage inquiries and his overall working manner." "Quick to identify key points and concentrate on them very effectively."

Chambers UK 2019

"Responsive and pragmatic. His written advice is excellent and commercially focused." "He has a very easy manner and provides invaluable advice."

Legal 500 2018

'A very personable barrister, who builds excellent rapport with everyone he works with.'

Chambers UK 2017

"He works hard for clients and takes a pragmatic approach." "He is considered and calm, with a good eye for detail and sound judgement."

Chambers UK 2016

"Unflappable and completely focused when under the ultimate pressure." "A robust advocate who is very unpretentious and user-friendly."

