

**PAUL G TUCKER KC | MANCHESTER,
LEEDS & BIRMINGHAM**

Year of call: 1990

Year of silk: 2010

Qualifications: MA (Cantab)

Clerked by: Gary Smith Mark Ronson

AREAS OF EXPERTISE:

Planning Environment Local
Government



Profile

Paul Tucker KC practices in the fields of planning, local government, environmental, CPO, CIL, logistics, infrastructure and highways. He is Head of Chambers.

Paul is the Chairman of the Planning and Environmental Bar Association (PEBA).

He practices across the UK having acted in Wales, Scotland, the Isle of Man and England.

He is a member of the CPA (Compulsory Purchase Association).

His private sector clients have included numerous national and regional developers, strategic land promotion companies, regeneration specialists as well as individuals. He has acted for most of the major national housebuilders, national retailers as well as large infrastructure providers. His public sector clients have included Government, Government Agencies, Development Agencies and very many local planning authorities.

His particular expertise relates to advocacy in planning and related appeals as well as challenges in the High Court and beyond.

Year of Call: 1990

Year of Silk: 2010

Areas of Expertise

Planning

Planning is Paul's principal area of practice and he has appeared in numerous judicial reviews, statutory challenges, public inquiries and examinations, promoting large scale development for a range of infrastructure, retail and residential developers; as well as acting for local government and public bodies in a wide range of cases

Recent Advisory Work

Paul regularly provides advice in his various fields of practice. Recent work has included:

Advised on securing consent for Gigafactory at Coventry Airport for the production of vehicle battery and production (2022)

Advised on data processing centre in North London

Advised on application large scale urban expansion of Oxford

Advice to South Kesteven on two Designer Outlet Centre proposals in Grantham

Gerrards Cross, advising promoters of hyper-data centre

Coventry Airport, advising promoters of giga-factory

Eastern Coventry – advising developer on promotion of major Urban expansion (including unresolved judicial review)

St Michaels development Manchester – advised developer on securing consent

Manchester Coop Live Arena – advised developer on securing consent

Everton Football Club – advised Liverpool City Council on granting consent for new stadium

Liverpool John Lennon Airport – advised Airport on Major Expansion into Green Belt

Advising on PBSA proposal, “Fusion” Manchester City Centre

Advising on PBSA at USDAW Manchester

Advised on major tall building development at 39 Deansgate, Manchester

Thornbury advice to developer on major residential expansion

Advising on major residential development at Kingston Gate, Richmond

Advised on large scale holiday park close to Alton Towers

Clean Air Zones – advising Birmingham City Council, Leeds City Council & Transport for Greater Manchester

Manchester Clean Air Zones – advising Nobu Hotel in London on successful challenge to ULEZ

Designer Outlet Villages – Successfully advised Cannock Chase DC, currently advising South Kesteven DC in relation to 2 proposed schemes.

Major Hotel redevelopment on the South Bank, London

Liverpool Waters, ongoing advice to Liverpool City Council

Wirral Waters, ongoing advice to developer

Upton Park redevelopment (CIL issues)

Bolton Wanderers (ACV issues)

Redevelopment of Anfield Stadium and associated residential regeneration

Trafford Quays – very large residential scheme adjacent to the Trafford Centre (including CIL issues)

Stratford upon Avon CIL charging schedule – advised major allocation promoter, resulted in zero charging rate

Bicester Eco-town – advising on one of the first development parcels

Major redevelopment of a former USAF airfield at Upper Heyford to create new Settlement in Oxfordshire

Oxford Urban Expansion

Redevelopment of Headingley Cricket Ground and Leeds Rhinos ground & associated enabling development

Bicester Ecotown expansion

Braintree retail park

Humber Bridge Visitor Centre and viewing platform

St Michaels development, Manchester

White City Retail Park (secured confirmation of nil CIL contribution)

Logistics Schemes

Advised developer in relation to successful resolution to grant permission for £2.5bn gigfactory at Coventry Airport

Appeared for the Appellant at the Haydock Park J26 logistics scheme appeal Spring 2021

Appeared for the successful Appellant South Caldecotte Logistics scheme consented 2020

Appearing to promote UK2 scheme Solihull Local Plan Examination

Advising on South Staffs Local Plan for Nurton Developments

Eddie Stobart National distribution centre – appeared for Appellant at recent planning inquiry

Hemington – j1 M6 large scale new logistics depot for St Modwen

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M42 J10 secured permission on appeal for major logistics development

IM Properties both secured permission and successful appeal for major mixed use site west of Stratford including large scale logistics development

SW Rugby – advising Tritax Symmetry on major new logistics park planning application adjacent to M46

Examination in Public/Local Plan

Paul has advised and appeared in numerous Local Plan inquiries and UDPs, as well as acting in leading cases upon local plan/examination issues. Recent work has included:

Places for Everyone – promoting two large allocations through examination on behalf of Royal London and Bloor Homes

Promoted the Lancaster Local Plan Climate Change Review on behalf of LPA

Charnwood LP – promoted large scale urban extension

Liverpool LP EIP (acting for City Council)

South Oxfordshire (acting for successful promoters of STRAT13)

Solihull EIP (acting for promoters of Arden Triangle and major logistics site)

Charnwood LP EIP (acting for promoters of major expansion of Loughborough)

Mid Devon EIP (acting for Developer)

Cheshire East CIL examination (Acting for Developer)

Brighton CIL (Acting for Developer)

York EIP (promoting scheme for the expansion of the University of York, Askham Bryan and St Peters School)

South Oxfordshire Local Plan (promoting scheme for Developer)

Braintree Local Plan (promoting scheme for Developer)

Lancaster Local Plan (acting for LPA)

Warrington Local Plan (advising LPA)

Liverpool Local Plan (advising LPA)

Cheshire East Local Plan (various objectors)

NE Leicestershire (objectors)

Tewksbury, Gloucester and Cheltenham joint core strategy (major retail objections)

Cheshire West CIL examination (objectors of very large allocation)

Stratford EIP (objectors)

Cherwell Valley (objectors promoting new settlement at former USAF airbase)

Ongoing advice for Local Authorities, including Liverpool, Leicester, Lancaster

Lead counsel for the East Riding of Yorkshire Local Plan which won the 2017 Plan Making Award and Editors Award from Planning Magazine

Highway Schemes

Warrington Western link 2020 – CPO and Local Plan issues;

Lancaster New Motorway junction to serve Garden Village – Local Plan 2019

Preston Western Bypass CPO 2018

Bedford Northern bypass – CPO 2016

A64 widening Copmanthorpe & Colton Top

Upgrade of A1 from dual carriageway to Motorway from Ripon to Scotch Corner

A66 Upgrade to dual carriageway Greta Bridge to Scotch Corner

Second Mersey Crossing Runcorn - Widnes

Middle Deepdale Link, Scarborough

Planning Appeals

Paul has acted for both the public and private sector in a range of planning inquiries across the country.

Residential - Paul has successfully promoted numerous residential schemes at appeal around the UK, for most of the national housebuilders as well as specialist student and older person accommodation providers (notably McCarthy and Stone). In addition Paul has successfully advised on numerous major schemes which have directly secured consent from the local planning authority. An example of recent appeals include:

Secured permission after appeal for Barwood for 150 dwellings in Burbage, Hinckley (2023)

Secured permission after appeal for Robert Hitchins Ltd for 250 homes within the Cotswold AONB at Land at Oakley Farm, Cheltenham (2022)

Secured permission after appeal for Redrow Homes for 970 homes within the Green Belt in Huntington, York (2022)

Secured permission after appeal for a large scale high temperature thermal treatment facility for clinical and hazardous wastes at Merchant Park, Durham (2022)

Secured permission after appeal David Wilson Homes for 170 dwellings in Sileby, Charnwood within a strategic gap (2022)

Secured permission for residential development to cross fund enabling works to grade II* Great Moreton Hall, Cheshire (2022)

Secured permission after appeal for David Wilson Homes for 64 bed care home in Wimborne, Dorset

Secured permission, following a public inquiry, for Robert Hitchins Ltd, for 460 dwellings in Fiddington, Tewkesbury

Secured permission, following a public inquiry, for Inland Homes for 206 homes in Staines upon Thames.

Secured Permission for Seashell Trust for 350 houses and £52M redevelopment of Specialist School in green belt

Secured Permission for major logistics site at South Caldecotte, Milton Keynes

Secured Permission for McCarthy and Stone for C2 scheme in Canterbury adjacent to Canterbury World Heritage Site

Secured Permission for 456 flats for Redrow at New Malden

Secured Permission for redevelopment of Hotel in New Cross London to residential

Secured Permission for new Purpose Built Student Accommodation in Bath

Secured Permission for large scale Private Rented Scheme in Hove

Secured Permission for large residential scheme south of Braintree

Secured Permission for residential development north of Tewksbury

Secured permission at public inquiry for IM Properties for the largest ever mixed use (850,000 sq ft) proposal in Stratford-upon-Avon

Secured permission at public inquiry for 258 dwellings for Bridgemere Land Plc and Redrow Homes in Hartford, Cheshire.

Secured permission for Peel Investments for the construction of a new Starbucks drive in facility at the Peel Centre Retail Park in Barnsley.

Secured permission at public inquiry for 40 dwellings for Pye Homes in Quainton, Aylesbury Vale.

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Secured permission at appeal for Bmor Ltd for block of 34 apartments in a conservation area at Fulham Palace Road in West London.

Secured planning permission for Orbit Homes at public inquiry for the demolition of existing buildings and erection of five units to be used for Class A1 (non-food retail) purposes, and two units to be used for Use Class A1 (non-food retail or sandwich shop) and/or Use Class A3 and/or Use Class A5, creation of car park and provision of new access from Earl Road, together with landscaping and associated works at Handforth Dean, Cheshire.

Successfully appealed under s195 against the failure of East Dorset DC to give notice within the prescribed period of a decision on an application for an LDC

Successfully secured permission at public inquiry for David Wilson Homes Eastern for 120 dwellings at Hatfield Peverel in Braintree DC.

Successfully secured permission for 72 dwellings for Manor Oak Homes at Launton in Cherwell DC

CPO

Paul has advised on numerous CPO & urban regeneration projects for both the public and the private sector.

Most recently he has advised upon the post-HMRI regeneration around Anfield/Breck Road as well as advising upon multimillion pound claims arising out of the 2nd Mersey Crossing.

NOTABLE CASELAW

Paul regularly appears in the Administrative Court (usually the Planning Court) on a variety of planning and environmental cases. Recent & significant cases include:

Thurston Parish Council v Mid Suffolk District Council and Bloor Homes Limited - [2022] EWCA Civ 1417 - Successfully acted for Interested Party/Appellant, Bloor Homes. The Court of Appeal judgment was given by Singh LJ who concluded that despite the site not being allocated in an adopted Neighbourhood Plan whose policies sought to 'focus' development within the settlement boundary of Thurston, that the officer's report did not misinterpret relevant policy.

Macintosh Village v Manchester City Council & GMS Ltd - [2022] EWHC 3002 (Admin) - Successfully resisted complex judicial review on behalf of developers of a 55 storey block of student accommodation in Central Manchester.

Successfully resisted judicial review challenge to the grant of planning permission for large solar farm development in Devon

Royale Parks Ltd v Secretary of State for Housing, Communities and Local Government [2021] EWCA Civ 1101

(on the application of Asda Stores Ltd) v Leeds City Council [2021] EWCA Civ 32

(on the application of Liverpool Open and Green Spaces Community Interest Co) v Liverpool City Council [2020] EWCA Civ 861

Spitfire Bespoke Homes Ltd v Secretary of State for Housing, Communities and Local Government [2020] EWHC 958 (Admin)

(on the application of The Co-Operative Group Ltd) v West Lancashire BC [2021] EWHC 507 (Admin)

Manor Oak v Secretary of State [2019] EWHC 1736 (Admin)

Thompson v Conwy BC [2019] EWHC 746 (Admin)

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R(Housiaux) v Staffordshire Moorlands [2017] EWHC 2157

St Modwen v Secretary of State [2017] EWCA 1643

Chelmsford City Council v Secretary of State [2016] EWHC 3329 (QB)

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St Modwen v Secretary of State and East Yorkshire 2016] EWHC 968 (Admin)

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Fox Strategic Land Company v Chorley [2014] EWHC 1179 (Admin)

R (on the application of Cbre Lionbrook (General Partners) Ltd) v Rugby Borough Council & Hammerson (Rugby) Ltd [2014] EWHC 646 (Admin)

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R v Plymouth City Council exp Plymco [1993] PLR 76

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Environment

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Local Government**Recent Advisory Work**

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SW Rugby – advising Tritax Symmetry on major new logistics park planning application adjacent to M46

South Milton Keynes – advising on major logistics site (57Ha) south of Milton Keynes recently refused permission and subject to appeal

Examination in Public/Local Plan

Paul has advised and appeared in numerous Local Plan inquiries and UDPs, as well as acting in leading cases upon local plan/examination issues. Recent work has included:

Mid Devon EIP (acting for Developer)

Cheshire East CIL examination (Acting for Developer)

Brighton CIL (Acting for Developer)

York EIP (promoting scheme for the University of York)

South Oxfordshire Local Plan (promoting scheme for Developer)

Braintree Local Plan (promoting scheme for Developer)

Lancaster Local Plan (acting for LPA)

Warrington Local Plan (advising LPA)

Liverpool Local Plan (advising LPA)

Cheshire East Local Plan (various objectors)

NE Leicestershire (objectors)

Tewksbury, Gloucester and Cheltenham joint core strategy (major retail objections)

Cheshire West CIL examination (objectors of very large allocation)

Stratford EIP (objectors)

Cherwell Valley (objectors promoting new settlement at former USAF airbase)

Ongoing advice for Local Authorities, including Liverpool, Leicester, Lancaster, Warrington, Stoke, Wyre

Lead counsel for the East Riding of Yorkshire Local Plan which won the 2017 Plan Making Award and Editors Award from Planning Magazine

Planning Appeals

Paul has acted for both the public and private sector in a range of planning inquiries across the country.

Residential - Paul has successfully promoted numerous residential schemes at appeal around the UK, for most of the national housebuilders as well as specialist student and older person accommodation providers (notably McCarthy and Stone). In addition Paul has successfully advised on numerous major schemes which have directly secured consent from the local planning authority. An example of recent appeals include:

Secured permission at public inquiry for IM Properties for the largest ever mixed use (850,000 sq ft) proposal in Stratford-upon-Avon

Secured permission at public inquiry for 258 dwellings for Bridgemere Land Plc and Redrow Homes in Hartford, Cheshire.

Secured permission for Peel Investments for the construction of a new Starbucks drive in facility at the Peel Centre Retail Park in Barnsley.

Secured permission at public inquiry for 40 dwellings for Pye Homes in Quainton, Aylesbury Vale.

Secured permission for 261 dwellings at Brindle Road, Bamber Bridge for Persimmon Homes (Lancs) Ltd.

Secured future of Grade II listed building on Historic England's "At Risk Register" in the Wirral for PJ Livesey.

Secured permission at appeal for Bmor Ltd for block of 34 apartments in a conservation area at Fulham Palace Road in West London.

Secured planning permission for Orbit Homes at public inquiry for the demolition of existing buildings and erection of five units to be used for Class A1 (non-food retail) purposes, and two units to be used for Use Class A1 (non-food retail or sandwich shop) and/or Use Class A3 and/or Use Class A5, creation of car park and provision of new access from Earl Road, together with landscaping and associated works at Handforth Dean, Cheshire.

Successfully appealed under s195 against against the failure of East Dorset DC to give notice within the prescribed period of a decision on an application for an LDC

Successfully secured permission at public inquiry for David Wilson Homes Eastern for 120 dwellings at Hatfield Peverel in Braintree DC.

Successfully secured permission for 72 dwellings for Manor Oak Homes at Launton in Cherwell DC

CPO

Paul has advised on numerous CPO & urban regeneration projects for both the public and the private sector.

Most recently he has advised upon the post-HMRI regeneration around Anfield/Breck Road as well as advising upon multimillion pound claims arising out of the 2nd Mersey Crossing.

NOTABLE CASELAW

Paul regularly appears in the Administrative Court (usually the Planning Court) on a variety of planning and environmental cases. Recent & significant cases include:

Manor Oak v Secretary of State [2019] EWHC 1736 (Admin)

Thompson v Conwy BC [2019] EWHC 746 (Admin)

R (LOGS) v Liverpool City Council [2019] EWHC 55

R(Housiaux) v Staffordshire Moorlands [2017] EWHC 2157

St Modwen v Secretary of State [2017] EWCA 1643

Chelmsford City Council v Secretary of State [2016] EWHC 3329 (QB)

Cherwell Valley v Secretary of State and Gladman [2016] EWHC 2925 (Admin)

Cheshire v Secretary of State and Harlequin (Wistaston) [2016] EWHC 694 (Admin)

R (on the application of Redrow Homes Ltd) v Knowsley Metropolitan Borough Council [2014] EWCA Civ 1433

Gladman Development Ltd v Wokingham Borough Council [2014] EWHC 2320 (Admin)

PS v Greenwich LBC and Enderby 2016] EWHC 1967 (Admin)

St Modwen v Secretary of State and East Yorkshire 2016] EWHC 968 (Admin)

R(Timmins) v Gedling BC and Westerleigh [2016] EWHC 220 (Admin)

R(Milton (Peterborough Estates) v Ryedale and GMI Holdings [2015] EWHC 1948 (Admin)

(1) BDW Trading Ltd (T/A Barratt Homes) (2) Wainhomes Developments Ltd V (1) Cheshire West & Chester Borough Council (2) Stephen Robinson (The Counting Officer For CWCBC) & (1) Tattenhall & District Parish Council (2) Taylor Wimpey UK Ltd [2014] EWHC 1470 (Admin)

R (on the application of Zurich Assurance Ltd T/A Threadneedle Property Investments) V North Lincolnshire Council & Simons Developments Ltd [2012] EWHC 3708 (Admin)

R (on the application of Cheshire East Council) v Secretary Of State For Communities & Local Government [2014] EWHC 2824 (Admin)

R (on the application of Salford Estates (No 2) LTD) v Durham County Council & (1) Tesco Stores Ltd (2) Dalton Park Ltd [2012] EWHC 2512 (Admin) [2012] EWHC 2512 (Admin)

Fox Strategic Land Company v Chorley [2014] EWHC 1179 (Admin)

R (on the application of Cbre Lionbrook (General Partners) Ltd) v Rugby Borough Council & Hammerson (Rugby) Ltd [2014] EWHC 646 (Admin)

(1) Jean Timmins (2) A W Lymn (The Family Funeral Service) LTD v Gedling Borough Council & Westerleigh Group Ltd [2014] EWHC 654 (Admin)

(1) Scottish Widows Plc (2) Scottish Widows Unit Funds Ltd (3) Aegon Uk Property Fund Ltd v Cherwell District Council & LXP RP (Banbury) Ltd (2) Prodrive Holdings Ltd (3) Prodrive Motorsport Ltd (4) Hundred Percent Properties Ltd (5) David Richards [2013] EWHC 3968 (Admin)

Winfield v Secretary of State for Communities and Local Government [2012] EWCA Civ 1415

Larkfleet Ltd v Secretary of State for Communities and Local Government [2012] EWHC 3592

Fox Strategic Land & Property Ltd v Secretary of State for Communities and Local Government [2012] J.P.L.

1. (on the application of Plunkett) v Sefton MDC [2011]EWHC 368 (Admin)
2. (on the application of D Morgan Plc) v Welsh Ministers [2011] EWHC 1680 (Admin)

Tesco Stores Ltd v Secretary of State for Communities and Local Government [2010]EWHC 1581 (Admin)

1. (on the application of Salford Estates (No.2) Ltd) v Salford City Council [2011] EWHC2097
2. (on the application of Hinds) v Blackpool BC [2011] N.P.C. 32

Fox Strategic Land & Property Ltd v Secretary of State for Communities andLocal Government [2013] 1 P. & C.R. 6

1. (on the application of Zurich Assurance Ltd (t/a Threadneedle Property Investments)) v North Lincolnshire Council [2012] EWHC 3708
2. (on the application of Derwent Holdings Ltd) v Trafford BC[2011] EWCA Civ 832

R(on the application of Salford Estates (No 2) Ltd) v Durham County Council(Defendant) & (1) Tesco Stores Ltd (2) Dalton Park Ltd [2012] EWHC 2512(Admin)

Historic Cases include:

Derwent v Liverpool CC [2008] EWHC 3023

Derwent v Citybranch [2008] EWHC 1337

R (on the application of Stephen Walker) v Police Appeals Tribunal [2009]

Mohan v Secretary of State for the Home Department [2009] EWHC 1949

Roland Bardsley v Secretary of State [2008] EWHC 22

R (Stagg)v First Secretary of State [2005] EWHC 1170

R(Co-op Group) v Secretary of State [2004] EWHC 1932

Prophet v York City Council [2003] EWHC 1448

Liverpool and Lancashire v B&Q [2000] PLSCS 180

City park v Bolton [2000] RVR 343

R v Beard[1997] 1 PLR 64

R v Stoke on Trent exp Trent City Securities Limited and Total Fitness Limited, unreported,17th February 2000

R v Plymouth City Council exp Plymco [1993] PLR 76

R v Liverpool City Council exp Luxury Leisure Ltd (1999) LGR 345

R v Liverpool City Council and the Secretary of State for Trade and Industry exp Baby Products Association (2000) LGR 171

B & Q Plc v Liverpool & Lancashire Properties Ltd [2000] PLSCS 180

Memberships

PEBA (Chairman)

ALBA

NIPA

UKELA

Appointments

Attorney General's Regional Panel (2007 to 2010)

Head of Chambers (2020 to 2022)

Head of Planning (2015-2020)

Qualifications

MA (Cantab)

Recommendations

Chambers UK 2023

"Absolutely at the top of the Planning Bar, with as complete a package as any client would wish for. Paul has always been exemplary."

"Paul Tucker is the star. The biggest planner in the North."

"Top, top tier and for when you need the best."

Legal 500 2023

"Paul has extensive knowledge of Local Plans and wider planning law and is able to provide practical advice, tapping in to his vast knowledge in a clear and accessible manner. He is undoubtedly one of the top silks in the country in respect of planning law, but it is his approachable and accessible manner which makes him stand out from other silks of similar experience."

Chambers UK 2022

"Paul is one of the best planning QCs in the country. He is technically very good as well as commercially minded."

Legal 500 2022

"Paul is very commercially minded and establishes a great rapport with clients. He is an excellent advocate and one of the first on my list to instruct if a client needs a QC. I would say Paul is one of the best in his field."

Chambers UK 2021

"He has very good tactical nous and he's good for strategy around a complex application." "Decisive and to the point with his advice."

"Inspires complete confidence with his extensive knowledge, and is very responsive and accessible." "He has a very quick mind."

Legal 500, 2021

"Paul always provides very commercial advice, and is great with clients."

"Approachable, he offers clients a proactive steer in their cases."

Legal 500, 2020

"He provides very commercial advice and is great with clients."

Chambers UK 2020

"He grasps extremely difficult points and then presents them in a way that people can understand." "He is very client-friendly and there doesn't seem to be anything that he can't do exceptionally well."

"Very straightforward, incredibly sharp and very personable." "He's a brilliant inquiry advocate, very good at cross-examining, and very good on his feet in the High Court."

Chambers UK 2018

"A very approachable individual who quickly builds a rapport with clients. He is decisive, to the point with his advice and an all-round excellent advocate." An outstanding advocate who is very in tune with clients and very personable."

"Personable, approachable and bright. He works well as part of a team and gives clients great confidence. He makes himself available and provides good pragmatic advice in a timely fashion."

Legal 500, 2018

'He has a knack for making complicated legal matters appear straightforward.'

'Brilliant with clients and skilled at straightening out complicated legal matters.'

'A highly accomplished advocate, who is excellent with clients.'

Chambers UK 2017

"He gives pragmatic advice and has a way of simplifying legal principles and practical ramifications so that clients are in a position to give instructions with confidence." "He is always very approachable and down-to-earth. He is direct in his advice, and is a hard-hitting QC who is very popular."

Legal 500, 2017

'Revered as a highly accomplished advocate.'

Chambers UK 2016

He is an excellent barrister. He is very thorough, and nothing is too much of a struggle for him: he'll come back to you at all hours." "An excellent advocate with an impressive character who provides thoughtful, analytical advice."

