

**VINCENT FRASER KC |
MANCHESTER, LEEDS &
BIRMINGHAM**

Year of call: 1981
Year of silk: 2001

Qualifications: Oxford (University College), Open Scholarship Sweet & Maxwell Prize, MA (1st class)
Jurisprudence, 1981 Gray's Inn, Holker Entrance Award, Reid Scholar, Band Prize

Clerked by: Gary Smith Mark Ronson



AREAS OF EXPERTISE:

Administrative & Public Law
Environment Licensing Local
Government Planning

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

Vincent is a leading practitioner in many aspects of Administrative, Public and Local Government Law, advising regularly on several areas which are closely associated with Vincent's other practice areas, including Education, Highways, and Licensing. Amongst other matters he has dealt with Byelaws and orders, Constitutional issues, Council finance including council Tax and domestic rating, Education, highways and public rights of way, ombudsman's powers and procedures, Road traffic regulations and Standards, conduct and probity of local government officials and boundary reviews.

Significant Reported Cases

Education

Vincent advises on wide range of education issues, including special needs, education reorganisation and finance.

Highways

Vincent regularly advises on and appears in cases involving highways and rights of way including litigation and footpath and rights of way inquiries. He has appeared in cases addressing the existence, extent and status of highways. He has regularly appeared in court and at inquiries addressing

stopping up and diversion of highways. He has advised on and promoted traffic regulation orders at inquiry. He has appeared in arbitration addressing utilities in the highway.

Human Rights

Vincent advises on and appears in litigation addressing human rights.

Judicial Review

Vincent has extensive experience advising on and appearing in judicial reviews.

Local Government

Vincent deals with local authority powers, administration and finance.

Election law

Vincent has experience of boundary reviews, for example successfully representing Wirral BC at the review into the Merseyside constituencies.

Licensing

Vincent has extensive experience advising and appearing in licensing cases.

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 [2009] EWHC 3208 - planning, housing, local government - affordable housing, PPS 3, core strategy, planning policy, regional spatial strategies

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.

Kelly v Liverpool City Council [2003] EWCA Civ 197 [2003] 2 All ER 772 - Licensing, local government - fees, inspections, licences, local authority powers and duties, private hire vehicles, taxis.

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

R(Barry) v Liverpool City Council [2001] EWCA Civ 384 (2001) LGLR 40 - Licensing, local government - entertainment licences, doormen registration scheme, power to charge.

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

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

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.

R v Chorley BC ex parte Bound (1996) 28 HLR 791 - Housing benefits, review board, reasons.

Harrogate BC v Barker (1995) 159 JP 809, [1995] RVR 193 - community charge, debts, criminal procedure, powers to remit, limitation.

Ford v Burnley BC (1996) 160 JP 540, [1995] RA 205 - non domestic rates, occupancy, quarries.

Bradford City Council v Anderton 89 LGR 681 [1991] RA 45 - community charge, sole or main residence, ship incapable of being a residence.

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 Strathy Wood Wind Farm (Sutherland), Tween Bridge (Doncaster), Green Rigg (Tynedale), Wandylaw (Berwick), Nutsgrove (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.

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Planning

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Housing

Vincent has extensive experience throughout the country promoting and resisting major residential development addressing a wide range of issues including affordable housing, housing land requirements, and design, both in the context of residential development alone and as part of major mixed use schemes.

Commercial Planning

Vincent regularly advises on and appears at inquiries involving major commercial and mixed use developments: examples include promoting a major mixed use redevelopment of Warrington town centre, proposals for the redevelopment of New Brighton, a major mixed use development including a new rugby league stadium for Salford City Reds, proposals for mixed use development centred around a new racecourse in Salford, the largest glass manufacturing plant in Europe in Ince/Elton, major mixed use redevelopment of a town centre site in Beverley close to the Minster, motorway service areas in various locations, oil and gas terminal in Flintshire, Birch Coppice Distribution Centre, industrial development at Wrexham Industrial Estate, major redevelopment in Salford Quays.

Retail

Vincent has extensive experience advising and appearing on retail matters for retailers and local planning authorities. Examples include various Wm Morrison, Tesco, Sainsburys and ASDA superstores, town centre redevelopments in Huddersfield, Warrington, Salford, factory outlet centre (Kendal), and proposals where retail development has been advanced as enabling development.

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.

Compulsory Purchase and Land Compensation Issues

Vincent has substantial experience advising on compulsory purchase orders and appearing at inquiries into orders; examples include successfully promoting Meden Valley compulsory purchase orders on behalf of English Partnerships which considered issues of regeneration and housing; successfully resisting orders for acquisition of Huncoat Power Station which involved considerations of compulsory purchase order powers and procedures and waste disposal needs and strategy in Lancashire; successfully promoting Trinity Gateway bus station in Bolton; successfully promoting the compulsory purchase of Pioneer House in Dewsbury under the Listed Buildings Act to preserve the listed building; various highway and housing compulsory purchase orders.

Vincent regularly advises upon land compensation issues and appears at Lands Tribunal and arbitration hearings with respect to such issues. Examples include compensation following town centre redevelopments in Liverpool and Newcastle, compensation following acquisition for new roads, and compensation following redevelopment of residential areas. He has advised on and appeared in cases assessing compensation for provisions of utilities and compensation under the Land Compensation Act 1973 consequent on the provision of public works.

Development plan examinations

Vincent advises on and has appeared at numerous development plan examinations both for local planning authorities and objectors, including Salford Core Strategy, Bury Core Strategy, Ryedale Plan, Harrogate Sites and Policies DPD.

Airports

Vincent appeared at the Manchester Airport Second Runway inquiry. He has advised on and appeared at a number of inquiries addressing issues affecting airports including, impacts upon airport radar and operations, noise related impacts and airport parking.

Infrastructure

Vincent has extensive experience advising on and appearing in inquiries into infrastructure proposals including, energy projects, waste disposal, roads and bridges, motorway service areas and utilities.

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.

Highways, Footpaths & Right of Way

Vincent regularly advises on and appears in cases involving highways and rights of way including litigation and footpath and rights of way inquiries. He has appeared in cases addressing the existence, extent and status of highways. He has regularly appeared in court and at inquiries addressing stopping up and diversion of highways. He has advised on and promoted traffic regulation orders at inquiry. He has appeared in arbitration addressing utilities in the highway.

Commons and Village Greens

Vincent has advised on and appeared at inquiries into commons and village greens both successfully promoting and resisting registration; examples include Hogshaw Wood in Buxton. Vincent has also sat as an independent inspector reporting to the registration authority; examples include Hardy Spicer Sports Ground in Sutton Coldfield, Carrington Close in Birchwood, and Cartwright's Field in Stockton Heath.

Judicial review and Statutory Challenges

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

Memberships

Planning and Environmental Bar Association

Administrative Law Bar Association

UK Environmental Law Association

Northern and North Eastern Circuit

Appointments

Recorder 2002

Deputy High Court Judge (Admin Court) 2010

Publications

Planning Decisions Digest – Sweet & Maxwell 1992

Qualifications

Oxford (University College)

Open Scholarship Sweet & Maxwell Prize

MA (1st class) Jurisprudence

1981 Gray's Inn

Holker Entrance Award

Reid Scholar

Band Prize

Recommendations

Chambers UK 2023

"Vincent is excellent at developing arguments - both written and spoken."

"Vincent is particularly well regarded for cross-examination, he has honed his skills to perfection."

Chambers UK 2022

"A very good and well-established barrister."

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.