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Andrew Tait KC

Call: 1981 QC: 2003

Practice areas:

Major Infrastructure Projects, Planning, Compulsory Purchase and Compensation, Environment, Public Law, Highways, Commons and Open Spaces, Local Government



Practice Profile

Andrew's main areas of work are in planning and environmental law, in particular major infrastructure work, highways, compulsory purchase and compensation.

He is recommended as a Leading Silk in Chambers & Partners and the Legal 500 guides.

Major Infrastructure Projects

He has been involved in numerous major infrastructure projects at public inquiry, DCO hearings and in Parliament.

Railways: He has in recent years successfully promoted at public inquiries on behalf of TfL the Northern Line Extension, the Bank Station Upgrade, the Victoria Station Upgrade and the Barking Riverside Extension. He also successfully promoted the Greater Nottingham LRT and the Dockland Light Railway 5 car scheme. He acted for BAA in respect of the Airtrack proposals.

He represented BAA on the Crossrail Bill and BAA, BMW, Royal Mail and several other petitioners to the HS2 Bill. He also acted for the City of London in the Thameslink Inquiry.

He has extensive experience in railway matters generally, including obtaining powers for new railway stations. He is currently acting in respect of various new major railway projects.

Roads and bridges: He successfully promoted the A14/A1 Cambridge to Huntingdon scheme, the largest road scheme pursued by DCO, as well as the Weymouth Relief Road (for Dorset CC), the South Devon Link Road (for Devon CC), the South Bristol Link Road (for North Somerset Council and Bristol CC) and the East Leeds Orbital Road. In earlier years he promoted numerous other road schemes, including rerouting the A303, A30 and A35 and widening the M20.

He successfully opposed the Torbay Ring Road Stage 3. He acted for ABP in opposing the Welsh Government's proposals to reroute the M4 through the port of Newport.

He acted for Poole BC in promoting the Poole Twin Sails Bridge. He advised the City of London in respect of the Millennium Bridge. On behalf of the Garden Bridge Trust he successfully resisted two judicial reviews relating respectively to the grant of planning permission and the effect of registration as an asset of community value.

He is currently advising on several proposed major road schemes.

Energy: During 2021 he has acted for East Suffolk Council in the Sizewell C DCO hearings and at the East Anglia One North and East Anglia Two windfarm hearings. He acted for a consortium of local authorities opposing the Hinkley Point C proposals in their earlier iteration. He acted for the Secretary of State for Business in the Drax litigation in 2020-21 and for the GLA at the Riverside Energy Park DCO hearings in 2019.

Ports, airports and other infrastructure: He promoted the Tees and Hartlepool Bill and the Llanelli and Burry Port Bill through Parliament. He is acted for ABP in respect of the Welsh Government's M4 proposals.

He has advised in respect of various airport projects, including at Heathrow and at Stansted. He has also acted for BAA in resisting compensation claims under the Land Compensation Act 1973.

He advised the Olympic Delivery Authority on obtaining the planning permissions for the 2012 Games. He also acted for Southern Water in successfully promoting the Brighton and Hove WWTW and in judicial review proceedings concerning the Hastings and Bexhill WWTW.

He is currently advising on a number of port and airport-related matters.

Planning

His experience, at public inquiries and in the courts, encompasses major infrastructure (referred to separately under Major Infrastructure Projects) as well as minerals, waste, housing and retail proposals, at public inquiries, Local Plan hearings and in the courts.

Built development: He has acted in the last few years for various housebuilders, including Countryside Properties, Persimmon Homes, Bloor Homes and Linden Homes, in promoting substantial housing and mixed use proposals both on appeal and at Local Plan hearings. This encompasses major new developments in Chelmsford, Maldon, Bishops Cleeve, South Cambridgeshire, Taunton, South Hams and Truro. He has also promoted major regeneration proposals of housing estates such as the Roundshaw redevelopment affecting Metropolitan Open Land in south London as well as various retail schemes.

He has advised on a wide range of associated matters including CIL and planning obligations, village green and ACV issues, restrictive covenants, drainage and access issues.

Minerals and waste: His wide and recent experience in this field includes securing planning permission, following a public inquiry for the extraction of ragstone from 30 hectares of ancient woodland at Hermitage Quarry, Kent and obtaining planning permission on appeal for an extension of a minerals site in the South Downs National Park. He is currently advising in respect of various other minerals proposals both through the application and local plan processes, including in national parks. He has successfully promoted large-scale waste proposals in the south-west of England, as well as the major wastewater treatment works at Brighton and Hove.

Other: He appeared at the New Forest National Park Inquiry on behalf of three opposing Dorset authorities and at the South Downs National Park Inquiry on behalf of Southern Water, in each case resulting in the objection being upheld. He advised the Olympic Delivery Authority as applicant on obtaining the planning permissions for the 2012 Games. He acted for LB Barnet in the TfL Bill. He has advised extensively on European and domestic law issues as they affect the water industry.

Judicial review: In recent years, he has successfully resisted judicial review applications relating to the Northern Line Extension, the Garden Bridge, a major minerals planning permission and two major residential planning permissions. He acted for the Secretary of State for Transport in resisting a challenge relating to SEA and HRA in connection with the proposed Oxford-Cambridge Expressway: R(Berks, Bucks and Oxon Wildlife Trust v Secretary of State for Transport [2019] EWHC 1786 (Admin). He appeared for the Secretary of State for Business, Energy and Industrial Strategy in R (Client Earth) v SSBEIS [2020] EWHC 1303(Admin), in which issues of need and climate change arose in the context of the Secretary of State's decision to grant a development

consent order for the construction of two gas-fired units at Drax power station; the Secretary of State's decision was upheld by the Court of Appeal: [2021] EWCA Civ 43. He also appeared for East Suffolk Council in *Girling v East Suffolk Council* [2020] EWHC 2579 (Admin), a challenge to the grant of planning permission for the relocation of facilities for Sizewell B nuclear power station, where the issues concerned exceptional circumstances for development in the AONB and the obligations for environmental information under Regulation 26 of the EIA Regulations. In 2022, he acted for a minerals company who brought proceedings to quash a certificate of lawful use issued by a local authority; the certificate was quashed by consent.

Compulsory Purchase and Compensation

Land Compensation

He has extensive experience of land compensation and is currently advising on a number of references to the Lands Chamber. Reported cases include:

- *BP Oil UK Ltd v. Kent County Council* in the Court of Appeal - concerning limitation periods in compulsory purchase claims
- *Brunt v. Southampton International Airport Ltd* in the Court of Appeal - concerning the scope of claims under Part 1 of the Land Compensation Act 1973
- *Clemdell v Dorset CC* - concerning claims for underpayment of advance payments and the subsequent substantive hearing
- *Bond v Dorset CC* - concerning the scope of entitlement to compensation for modification of planning permissions
- In 2022, he acted for HS2 Ltd. in successfully appealing a certificate of appropriate alternative development in the Lands Chamber: *Sec of State for Transport v Bleep UK plc*

He has promoted numerous compulsory purchase orders, including for Devon CC, Dorset CC, Kent CC, LB Sutton, LB Lewisham, LB Wandsworth, Bristol CC, North Somerset CC, Leeds CC, Southern Water and central government. Much of the experience listed separately under major infrastructure has involved the justification of the use of compulsory purchase powers. He is currently involved in promoting a number of CPOs. He has also acted for objector landowners in successfully opposing compulsory acquisition, including the Harlow London Road North CPO, where the CPO was not confirmed by the Secretary of State (2019), and the Northumberland Line TWAO, where the proposed abrogation of various 19th century agreements under the order was not confirmed by the Secretary of State (2022).

He has been involved in arbitration proceedings in Bermuda concerning the valuation of harbourside land in Hamilton.

Environment

Andrew has extensive experience of climate change, SEA, EIA and HRA matters arising across a wide range of proposals, including the Sizewell C DCO approved in 2021.

Recent experience on these matters in the courts includes:

- on climate change, acting for the Secretary of State for Business, Energy and Industrial Strategy in *R (Client Earth) v SSBEIS* [2020] EWHC 1303(Admin), in defending the Secretary of State's decision to grant a development consent order for the construction of two gas-fired units at Drax power station; the Secretary of State's decision was upheld by the Court of Appeal: [2021] EWCA Civ 43;
- on SEA and HRA, acting for the Secretary of State for Transport in resisting a challenge to the then proposed Oxford-Cambridge Expressway: *R(Berks, Bucks and Oxon Wildlife Trust v Secretary of State for Transport* [2019] EWHC 1786 (Admin);
- on EIA, acting for East Suffolk Council in *Girling v East Suffolk Council* [2020] EWHC 2579 (Admin), a challenge to the grant of planning permission for the relocation of facilities for Sizewell B nuclear power station, in respect of the obligations for environmental information under Regulation 26 of the EIA Regulations.

Public Law

In recent years, he has successfully resisted judicial review applications relating to the Northern Line Extension, the Garden Bridge, a major minerals planning permission and two major residential planning permissions.

He acted for the Secretary of State for Transport in resisting a challenge relating to SEA and HRA in connection with the proposed Oxford-Cambridge Expressway: *R(Berks, Bucks and Oxon Wildlife Trust v Secretary of State for Transport* [2019] EWHC 1786 (Admin). He appeared for the Secretary of State for Business, Energy and Industrial Strategy in *R (Client Earth) v SSBEIS* [2020] EWHC 1303(Admin), in which issues of need and climate change arose in the context of the Secretary of State's decision to grant a development consent order for the construction of two gas-fired units at Drax power station; the Secretary of State's decision was upheld by the Court of Appeal: [2021] EWCA Civ 43.

He also appeared for East Suffolk Council in *Girling v East Suffolk Council* [2020] EWHC 2579 (Admin), a challenge to the grant of planning permission for the relocation of facilities for Sizewell B nuclear power station, where the issues concerned exceptional circumstances for development in the AONB and the obligations for environmental information under Regulation 26 of the EIA Regulations.

In 2022, he acted for a minerals company who brought proceedings to quash a certificate of lawful use issued by a local authority; the certificate was quashed by consent.

Highways, Commons and Open Spaces

He has successfully promoted the A14/A1 Cambridge to Huntingdon scheme, the largest road scheme pursued by DCO, as well as the Weymouth Relief Road (for Dorset CC), the South Devon Link Road (for Devon CC), the South Bristol Link Road (for North Somerset Council and Bristol CC) and the East Leeds Orbital Road. In earlier years he promoted numerous other road schemes, including rerouting the A303, A30 and A35 and widening the M20.

He successfully opposed the Torbay Ring Road Stage 3. He acted for ABP in opposing the Welsh Government's proposals to reroute the M4 through the port of Newport.

He has advised extensively on matters relating to the status of highways, as well as commons and open space. He has successfully promoted numerous CPOs where commons and open space have been affected and the issue of exchange land has been engaged. He has acted in successfully resisting judicial review proceedings relating to assets of community value.

Local Government

He has advised widely on local government powers, in particular in the planning and compulsory purchase field (listed separately).

Qualifications & Appointments

Andrew was Head of Chambers from 2012 to 2022. He chaired the Planning and Environment Bar Association (PEBA) from 2016 to 2019, having been vice-chairman from 2012 to 2016.

He has been Bencher of the Inner Temple since 2011 and has acted as a mentor to Inner Temple students since 1990.

He became an Assistant Parliamentary Boundary Commissioner for England in 2000.

As well as PEBA, he is a member of the Administrative Law Bar Association, the Parliamentary Bar, the Compulsory Purchase Association, the Association for Real Property and Infrastructure (ARPI) and the National Infrastructure Planning Association (NIPA).

As the son of a sailor, Andrew grew up in various ports around the world. He read modern history at Hertford College, Oxford as an Open Exhibitioner before converting to law at the City University. He has been in practice since 1982 and took silk in 2003.

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Quotes

"He is a brilliant lawyer, careful thinker, always reliable and an excellent advocate."
Chambers and Partners, 2023

"Andrew is still at the top of his game. Unfailingly well prepared, professional and clear about how to win the case."
Chambers and Partners, 2023

"Andrew is incredibly hard working, immaculately well prepared, and always on top of the case. He creates imaginative solutions, sees the target, and steers the client to it. He inspires

confidence in the whole team and his advocacy skills are understated, he just gets on with it and allows the arguments to do the talking."

Legal 500, 2023

"Andrew is a brilliant planning and compulsory purchase silk at the top of his game. He is completely professional, works very hard and is immaculately well-prepared. He sees the core elements of a case - i.e. how to win for his client - and pursues it. He is calm, polite, thoughtful and anxious to hear other views from professional advisers before coming to his view. In short, solicitors can recommend Andrew unhesitatingly to their clients, knowing he will give them a first rate service."

Legal 500, 2022

"He provides a calm, level-headed approach with well-reasoned advice. He takes a very collegiate approach in how he works with solicitors and keeps you informed. His approach was exemplary both in handling difficult and challenging legal and technical issues and in establishing great confidence to the client team."

Chambers and Partners, 2022

"Not only analytically sound and fantastic legally but also so calming that it puts confidence in the team."

Chambers and Partners, 2021

"He has the experience to see the long game and how an Inspector or a Committee or Tribunal would look at the case. So he is strategically excellent and knows where and how to develop a case. Also tremendously good with clients. Polite but firm, quietly spoken and understated but commands the room."

Legal 500, 2021

"He is incredibly responsive, very calm, very clear in his guidance and creates an instant rapport with the client."

Chambers and Partners, 2020

"He is a very capable leader, hard-working, calm and always measured in his advice. he is a pleasure to work with. He advises in a way the client will respect what he says, even if it is not what they want to hear."

Chambers and Partners, 2019

"He has a very good manner with clients. He is very thorough, very experienced and very good at transport matters. His reputation precedes him and he is worthy of it."

Legal 500, 2018

"He is calm and collected, and a force to be reckoned with. A top practitioner who is technically brilliant and wonderful to work with."

Chambers and Partners, 2018

"He is incredibly thorough and detailed, clients hugely respect his input and he is excellent on his feet...He is extremely good at handling the largest cases and making them seem more straightforward than they are."

Chambers and Partners, 2017
