

# Land Compensation



# About Us

**Our specialist team is ranked in *Chambers UK 2019* and is “Well regarded for its handling of land compensation claims”.**

“They have a good grasp of the legislation and are particularly good at applying it to our operational context.”

*Chambers UK 2019*

“I’ve been very impressed with the individuals there. They took the time to understand what we wanted and how best to achieve that.”

*Chambers UK 2019*

We specialise in advising compensating authorities and claimants in all types of land compensation cases, including compulsory purchase compensation, claims under Part 1 of the Land Compensation Act 1973, and in energy and utilities cases.

Our specialist UK national team, led by partner David Holland, is vastly experienced and has depth of expertise in advising across a broad range of land compensation matters.

We provide a complete advisory service in land compensation cases, from strategic advice prior to acquisition through to managing your dispute in the Upper Tribunal (Lands Chamber) (the Tribunal). We have a proven track record in successful cases before the Tribunal over many years and in resolving compensation cases through the use of alternative dispute resolution, including mediation.

## Compulsory Purchase Compensation

We have acted for both claimants and compensating authorities in complex and high-value cases arising from a variety of compulsory purchase orders (CPO) and major projects, including the Olympic Park development, Thameslink and Crossrail schemes in London.

We are currently advising a range of clients in compensation cases arising from the High Speed Rail 2 project and the proposed Heathrow Third Runway, as well as a number of CPO schemes nationwide.

## Part 1 Claims

We specialise in advising parties in relation to claims for compensation under Part 1 of the Land Compensation Act 1973, arising from highway, rail and airport infrastructure schemes.

We are market leaders in advising compensating authorities in relation to Part 1 claims arising from airport development projects. We acted for the airport operators in relation to Part 1 claims arising from runway extensions at Manchester and East Midlands airports. We are also currently advising Stansted Airport, Birmingham Airport and London Southend Airport in relation to Part 1 claim matters. Our team has unrivalled expertise in this area and has advised on some of the largest portfolios of Part 1 claims in recent times.

## Energy and Utilities Compensation

We are experienced in advising clients in the energy and utilities sectors in compensation matters.

We act for a number of electricity distribution companies across the range of compensation issues under the Electricity Act 1989 (Schedules 3 and 4) and have acted in several significant cases in recent times, including the electricity compensation Tribunal case of *Stynes v Western Power (East Midlands) Distribution Ltd*.

We regularly advise clients in the water industry, with depth of experience in compensation matters under Section 159 of the Water Industry Act 1991 and compulsory purchase cases. We have recently successfully acted for United Utilities in several compensation cases all resolved without recourse to litigation.



## Recent Clients

Lidl UK

H Samuel Limited

Western Power Distribution

S P Manweb

United Utilities

Manchester Airport Group

Birmingham Airport

Robert Dyas

Travis Perkins

Aviva

Marshalls plc

## Flood Alleviation Schemes

We are experienced in advising landowners affected by flood alleviation schemes. We have particular experience of advising clients in relation to the exercise of powers to carry out flood alleviation works under Section 165 of the Water Resources Act 1991 and related compensation rights (Schedule 21). For example, recently advising a manufacturing client in the relocation of its commercial premises and associated compensation payable under the act as a result of flood defence works.

## Telecoms

Our team includes specialist lawyers (Michelle Adams and Kuljeet Takhar) with expertise and experience in advising on telecoms matters, for both operators and site owners. We provide strategic advice to clients in relation to the implications of the Electronic Communications Code, a rapidly evolving arena.

### **Our team is recognised in The Legal 500 UK 2019 for its expertise in land compensation matters.**

“David Holland is highly regarded for his expertise in specialist land compensation matters. He recently advised United Utilities regarding the compulsory purchase of its land and sewerage plant for a town centre relief road, representing Manchester Airport Group in claims under the Land Compensation Act 1973 relating to public works undertaken at Stansted Airport, and acted for SP Manweb in a high-value compensation claim arising from the grant of a necessary wayleave under the Electricity Act 1989.”

*The Legal 500 UK 2019*



## Managing Your Case

We understand the uncertainties involved in resolving compensation matters, particularly the prospect of pursuing legal proceedings in the courts or the Tribunal.

Our aim is to manage risk at each stage of the process and achieve an effective resolution to the case as efficiently as possible. Below are just some of the ways we can work with you to deal with your case and reduce costs risk.

### Case Management

Our aim is to give our clients control of their cases while minimising administrative costs wherever possible. To assist, we offer the facility of a tailored online case management portal system known as MyMatter, which provides our clients with online real-time access to relevant case information and documents. MyMatter helps our clients keep up to date with case progress remotely and has proven to lead directly to a reduction in overall legal spend.

### Funding and Insurance Options

In every case, we explore available options for funding, including litigation insurance products. We work with litigation funders to forward fund compensation related matters in appropriate cases.

Third-party funders are usually professional funders, who will consider a claim and the amounts likely to be recovered; the amount of costs likely to be spent; the percentage chances of success; and will look in detail at the proposed defendant and its financial status.

Third-party funding is attractive for those cases where the claimant has limited or no funds to bring the claim.

In our experience, in compensation cases, the funder will usually offer to put up a fixed amount of money to bring the claim. In return, they will look to recover the sum invested by way of costs and take a percentage of any damages. Both amounts will be paid from the compensation agreed or awarded, irrespective of whether there is a cost recovery from the opponent. The percentage amount will vary depending on the risks involved, but it is likely to be at least 20%-30%.

Third-party funding is often used alongside After the Event insurance, which, in appropriate cases, provides cover for opponent's costs and other charges (including counsel and experts) and the client's own other charges. This may or may not include counsel's fees, depending on the type of policy. It is also possible, although less common, to obtain cover for a client's own solicitor's fees.

We work with our clients to consider the most appropriate funding and insurance options where necessary.

## Costs Expertise

We always work with our clients to seek to limit costs risk, both prior to and throughout formal legal proceedings. We work closely with our in-house specialist costs team to provide expert costs advice relevant to compensation cases, including costs rules that apply in the Tribunal that offer potential opportunities for parties in appropriate cases to eliminate or reduce the potential risk of adverse costs orders being made against them in legal proceedings.

## Alternative Dispute Resolution

We are keen proponents of the use of alternative dispute resolution (ADR) procedures, such as mediation and early neutral evaluation, in compensation cases where appropriate. In every case, we actively encourage our clients to consider using ADR as an effective means to resolve compensation disputes and avoid often lengthy and costly litigation proceedings, wherever possible.

We are experienced in using all types of ADR procedures and have represented acquiring authorities and claimant clients in successful compensation mediations in recent years.

We are proud of our strong track record in resolving compensation cases through ADR. Our peers acknowledge us for our pro-active use of ADR and the high volume of compensation cases where we have successfully pursued ADR on behalf of our clients.





# Case Studies

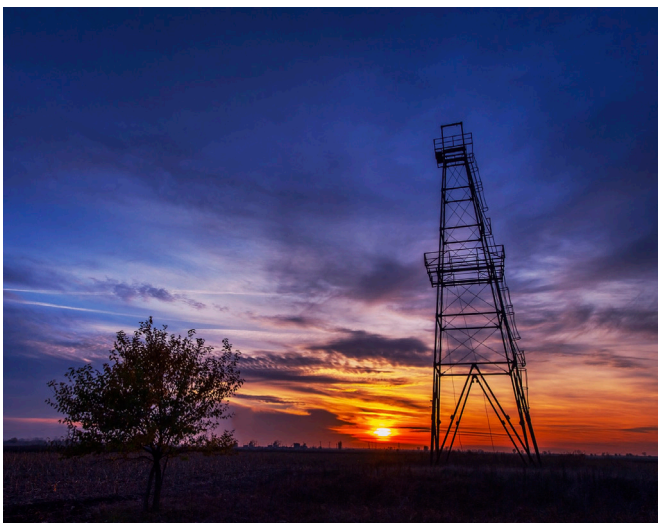


## CPO

We acted for a leading motorway service station provider in relation to a claim for compensation arising from the compulsory acquisition of land by Highways England designated for development as a motorway truck stop located on the M4 motorway. The case involved complex issues concerning marriage value and injurious affection. David Holland led a team of expert advisers, including valuation, planning and highways experts, and the claim was successfully resolved through mediation in advance of trial.

## Part 1 Claims

Our market-leading team acts for a number of major airport operators in relation to claims under Part 1 of the Land Compensation Act 1973. We acted for Manchester Airport Group in successfully resolving all Part 1 claims arising from the extension of Runway 2 Manchester Airport and East Midlands Airport. We are continuing to act for Stansted Airport and Birmingham Airport, handling all Part 1 claim matters following airport expansion works and have also advised London Southern and London Luton airports in this highly specialised field.



## Energy and Utilities Compensation

We acted for SP Manweb in relation to a multimillion-pound claim for compensation under Schedule 4 of the Electricity Act 1989, concerning development land affected by a 132kV overhead line in the North West of England. The matter was referred to the Tribunal and involved multiple planning, housing and valuation experts. We succeeded in resolving the dispute in advance of trial following a mediation process.

# Why Choose Us

## Client Testimonials

"The team provides an excellent service due to in-depth knowledge, a professional attitude and an ability to always think two steps ahead."

*The Legal 500 UK 2019*

We genuinely specialise in land compensation matters and believe the breadth of our expertise and experience of handling complex compensation cases is unparalleled, providing our clients with a market-leading service.

## Our Team

For more information, please contact a member of our team, who will be happy to assist:



### David Holland

Partner

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David Holland leads our specialist land compensation team and has expertise in advising compensating authorities and claimants in relation to the full spectrum of land compensation cases. He is experienced in advising clients in complex and high-value cases in proceedings before the Tribunal and higher courts. He is also a keen advocate of the use of alternative dispute resolution to resolve compensation disputes and has a strong track record of representing clients in successful mediations in a number of recent compensation cases.

David is ranked as a Leading Individual (Up & Coming) in *Chambers UK 2019* and "is particularly distinguished for his work in compulsory purchase and land compensation cases. Clients say: 'He gives clear advice based on a sound understanding of our needs.'"

David is a Director on the Board of the Compulsory Purchase Association and is Regional Convenor for Yorkshire for the CPA.



### Bethany Reid

Associate

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Bethany Reid regularly advises clients in respect of compulsory purchase compensation claims and claims under Part 1 of the Land Compensation Act 1973, including taking matters through the Tribunal and through alternative dispute resolution process, such as mediation.

Bethany is an active member of the Compulsory Purchase Association and is a committee member of the Compulsory Purchase Association Futures group.



### Elizabeth Perris

Associate

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Elizabeth Perris has experience in advising on land compensation matters, including compulsory purchase compensation claims and claims under Part 1 of the Land Compensation Act 1973.

Elizabeth is an active member of the Compulsory Purchase Association.

## Related Services

Our compensation specialists work closely with other members of our expert national compulsory purchase and compensation team, which includes expert planning and property lawyers, who have depth of experience of advising across all aspects of development consent orders, compulsory purchase and energy and utilities matters.

Our key contacts include:



**Richard Glover**

Partner

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Richard Glover leads the UK planning team, as well as heads up the national compulsory purchase and compensation team. Richard specialises in providing advice to private and public sector clients on all aspects of the compulsory purchase and development consent processes. He has particular experience of representing clients involved with the development of major infrastructure projects and regularly advises utility companies in relation to applications for consent relating to the development of overhead distribution lines and generation plant.



**Andrew Sprake**

Partner

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Andrew Sprake heads the firms' economic development and regeneration advisory team. He specialises in acting for the public sector in the regeneration of city centres and brownfield sites, and is experienced in advising on land assembly through compulsory purchase and related promotion, development and indemnity agreements.



**Alex Weatherall**

Senior Associate

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Alexander Weatherall is a senior lawyer in our CPO team with expertise in all real estate aspects of the compulsory purchase process, from site assembly to land acquisition processes, as well as drafting complex relocation and reinstatement agreements for both claimants and acquiring authorities. Alex has particular experience of delivering complex equivalent reinstatement and relocation agreements for a number of landowners affected by the High Speed 2 and other major projects recently.

