

JANUARY 2016

FISHER GERMAN
PRIESTNER
CHARTERED SURVEYORS



FGPnews

LATEST NEWS FROM FISHER GERMAN PRIESTNER



FGP ON THE CANALS

FGP value its work for Canal & River Trust (CRT) as much as any other. Compared to the heady world of fracking, pipeline and cable projects, some might think of this as a soft side line – far from it.

Canal & River Trust succeeded British Waterways in 2012 and operates as a charitable trust. This impressive organisation cares for 2000 miles of waterways with a vast network of bridges, embankments, off line aqueducts, reservoirs, towpaths and tunnels. The Trust is a major infrastructure provider.

All this requires maintenance not least because of statutory obligations. CRT manages 75 reservoirs with an average age of 195 years. The Reservoirs Act 1975 imposes obligations on water bodies over 25,000m³ and the, "Section 10", mandatory 10-year inspection regime gives rise to a constant need for works.

Whether it is reservoir, embankment or dredging operations, it is almost certain that at some stage access will be required over adjoining land and as often as not this is farmland. FGP is able to employ well-rehearsed procedures reaching agreement with farmers, preparing records of condition, and settling compensation claims arising, to ensure that potential project delays are minimised.



FGP



DEVELOPMENT CONSENT ORDER PLANNING CONDITIONS



When a DCO is approved it will inevitably be granted subject to conditions and as importantly a requirement for various other conditions to be approved by Local Authorities.



FGP Managing Director, Claire Priestner warns that this latter category can be a “can of worms”. In the enthusiasm to achieve the grant of the DCO, it is sometimes easy to agree to conditions that will prove impractical once construction is underway, and the construction engineers have been appointed. Local Authorities are notoriously slow to approve conditions, and the same applies if variations have to be applied for at a later stage.

For this reason, it is important to involve all sections of the project team when planning conditions relating to construction specification are being considered.

Not only the legal and planning specialists but also the construction engineers and agriculturally trained Land Agents.

A recent example involved a condition to limit the height of topsoil stacking to 2.5 metres, to prevent anaerobic conditions developing. In the pre-application documents, a standard approach had assumed that higher stacks of soil would be allowed at road and rail crossings.

As a consequence, the 2.5 metre restriction meant that not enough land area had been allowed for in the application area to hold the topsoil. Project delays were inevitable while additional land was acquired by agreement or measures of mitigation agreed with the Local Planning Authority.



A SNAPSHOT OF 2015

Rolling back through the FGP Twitter Feed we look at a few headlines from 2015



January

Eric Pickles (remember him?) kicks the year off with the first of a series of Onshore Wind refusals signalling the change in policy underway. Conversely the Environment Agency granted environmental permits for shale gas exploration and then later the Government commits to ban fracking in National Parks.



February

The Infrastructure Bill becomes an Act and includes application procedures for NSIPS's including fracking and environmental requirements. Energy Minister Ed Davy continues to back wind. DEFRA's online Basic Payment Scheme for farmers descends into chaos.



March

Government delays decisions on wind farms and Pickles turns down more onshore schemes. Plans for HS2 link to Heathrow ruled out. Increase in range of Permitted Development Rights.



April

National Grid publicises new tower design. Rural Payments Agency concede that the online application system has failed – back to paper forms for farmers. Conservatives announce an end to onshore wind support if they win election. UKOG strike oil at Gatwick.



May

UK now have more solar farms than Spain, France and Italy combined. Top newt scientist Trevor Beely challenges accepted thinking on newt protection measures in construction. Rampion off shore wind farm gets construction go ahead and FGP team heads for site. Amber Rudd appointed new Secretary of State for Energy and Climate.



June

China Harbour Engineering Company Limited chosen to build Swansea Bay Tidal Project. Lancashire County Council allow some progress on fracking. World's largest potash mine proposal approved in Whitby.



July

New Government declares there will be a positive budget for infrastructure and insist the Northern Powerhouse project is still on track. Draft regulations from DECC set ground rules for hydraulic fracturing beneath National Parks.



August

Amber Rudd warns Councils that decisions on fracking to be fast tracked if delayed. World record wheat crop harvested in Northumberland at 16.52 tonnes/Ha.



September

FGP teams on site obtaining 900+ consents for seismic surveys in Cheshire. Debates on fracking in the North West continue – INEOS pledge that health, safety & environmental risk can be managed. Navitus Bay offshore wind DCO application refused. New FGP Knutsford office formally opened.



October

National Infrastructure Commission launched under Lord Adonis with £100 billion to spend by 2020. Navitus Bay project to challenge DCO decision. OFWAT Minister hints that water companies may take over flood protection from EA



November

£100 billion infrastructure fighting fund announced in Autumn Statement. HS2 Birmingham Crewe link brought forward to 2027 completion. 250 year-old pear tree named as England's best tree, lies in path of HS2.



December-

FGP complete nearly 1000 consents for seismic surveys in the North of England and Scotland. Parliamentary approval for hydraulic fracturing below National Parks. 14th round of fracking licences announced. Record rainfall figures bring widespread flooding to Cumbria and adjoining areas. Rural Payments Agency announce that online system for Basic Payment Scheme will be up and running for 2016 applications.



FGP on Twitter - @FGP_Limited

FGP CAREERS

FGP's workload is increasing fast and the management expect to have doubled staff numbers by the end of 2016. A recruitment programme will be underway early in the New Year.



Why FGP?

FGP is a young, dynamic business providing specialised Chartered Surveyor's services to the equally dynamic energy and infrastructure industries with new opportunities constantly arising throughout the United Kingdom and Ireland.

FGP's success is attributed to positive client experience, professionalism, discipline and hard work. The companies "can do" attitude and core values are matched by the rewards that come with this fast moving business.

The facilities at the Knutsford Office demonstrate the importance that is attached to staff welfare and the recognition that the people are the most important resource.

Graduates

FGP prides itself on a graduate training programme, that quickly allows graduates to become part of the main team and takes them forward to the RICS APC tests.

Current Vacancies

FGP will be looking for Chartered Surveyors, trainee Chartered Surveyors, Agricultural Liaison Officers, GIS and mapping professionals and administrative staff.

The FGP website will be updated with more information. Potential applicants are encouraged to make enquiries, because skill requirements often vary with new projects.

CASE LAW

INJURIOUS AFFECTION UNDER GAS ACT 1986

From the Upper Tribunal Lands Chamber (P R Francis FRICS) *Elitestone Ltd v National Grid Gas plc* [2015] UKUT 0452 (LC)

The claimant sought some £4.5 million in compensation for injurious affection and disturbance, following the installation of a high-pressure gas pipe under its land pursuant to powers in a compulsory purchase order. The Tribunal determined that no compensation was due to the claimant.

The Tribunal's decision considers Section 7 of the Compulsory Purchase Act 1965 as modified by paragraph 7 of Schedule 3 to the Gas Act 1986. The Tribunal ultimately concluded that, "the exercise of the powers conferred by the CPO did not, as a matter of fact, and would not be anticipated to, cause damage to the claimant".

Much of the case focussed on whether in the "before and after" assessment, a potential purchaser would have known that heavy walled pipe to minimise development restrictions would be used. The claimant argued that there was no guarantee of thick walled pipe and even if there was, thin walled pipe might be used as a replacement in the future.

The injurious affection claim was described as "opportunistic and without merit" and the disturbance claim as "misconceived and totally unmeritorious", yet in the costs assessment the claimant had not been unreasonable in pursuing the matter.

While the case was won by the developer the importance of being proactive with information on the extent of future restrictions was emphasised.



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FGP DEPARTMENTAL SERVICES

Fisher German Priestner Limited divides services on a departmental basis available to all clients.

CHARTERED SURVEYORS

Team leader - Claire Priestner

COMPULSORY PURCHASE

Team leader - Claire Priestner

PROJECT MANAGEMENT

Team leader - Kieron Harvard

MAPPING AND GIS SYSTEMS

Team leader - Robert Knight

ADMINISTRATION AND ACCOUNTS

Team leader - Neil Priestner

**HAPPY
NEW YEAR
FROM ALL
AT FGP**

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