

David Hart QC

Call: 1982 QC: 2003



David Hart QC practises in environmental law, medical law, professional negligence and construction. He has also appeared at a number of major public inquiries. David has particular experience of group actions, in the environmental field (eight group actions alleging odour nuisance, four alleging dust & noise and a petrol contamination claim) and in medical cases.

His construction law work has concerned landfill sites, nuclear and other power stations, and Mechanical and Electrical disputes.

"He absorbs and collates information at lightning speed and drafts perfect documents. As well as being highly intelligent, he possesses a lovely, gentle and patient manner when advising clients." "A great advocate."

Chambers & Partners 2019

'An extremely impressive barrister, he absorbs and collates information at lightning speed and drafts perfect documents.' 'In-depth experience.'

Legal 500 2018

"He is very intellectual; he can distil complex arguments and gets the ear of the court because of that." "He is an excellent advocate with a good, measured style."

Chambers & Partners 2018

Environmental Law

David's environmental work covers the whole range of issues – litigious, regulatory, planning, public law, criminal and transactional work – over all subject areas including water (Cambridge Water), waste (SRM, REPIC), air (Coalite), odour (Dobson), noise (Dennis, Watson), fishing (cockles, polluted trout streams, and Mott about salmon licences), windfarms (Macarthur and public inquiry). He also has a wide contaminated land practice, including two leading appeals (Sevenoaks and Sandridge).

He has appeared in courts at all levels, including the European Court of Justice (Bromley) and House of Lords (Cambridge Water, UU), and Supreme Court (E). He also appears in the criminal courts on environmental matters.

He is also instructed on insurance policy issues in the environmental insurance context, including professional indemnity matters.

Selected Cases

- **Network Rail Infrastructure v Williams & Waistell [2018] EWCA Civ 1514**: Court of Appeal case on liability for Japanese Knotweed.
- **Southern Gas Networks v Thames Water [2018] EWCA Civ 33**: the Court of Appeal found the defendant water company liable to SGN for the cost of customer compensation payments made after leaking water mains caused a gas outage in Christmas 2012.
- **Forager v Natural England [2017] UKUT 0148 (AAC)**: First appeal to Upper Tribunal about stop notice affecting forager.
- **Environment Agency v SITA [2014 – 2017]**: Truro Crown court proceedings concerning environmental offences at landfill; hearing before HHJ Carr QC, 2-3 February 2017.
- **Environment Agency v Mott [2016]**: Judicial review of catch limitation on salmon licence, plus A1P1 claim for damages.
- **States of Guernsey v 3M [2016]**: Commercial Court: £20m+ product liability claim concerning PFOS used in fire fighting foam.
- **Appeal under Water Fittings Regulations**: before John Uff QC concerning marinas: 2014.
- **Appeals by South West Water, Anglian Water, and Yorkshire Water against conditions in environmental permits**: Inspector Grantham, January 2014.
- **R (UK Recyclate et al) v. Secretary of State for Environment, Food & Rural Affairs [2013] EWHC 425 (Admin) Hickinbottom J**
- **Macarthur et al. v. Secretary of State for Communities and Local Government [2013] EWHC 3 (Admin) Lang J**
- **Felpham footpath diversion inquiry 2012**.
- **R v. V [2011] EWCA Crim 2342**: transfrontier shipment of waste appeal 2011: gave evidence on deposition in US in environmental warranty dispute.
- **Winwood & Ors v Biffa Waste Services Ltd & Anor [2011] EWCA Civ 108** concerning the construction of a landfill lease.

- **Dobson v. Thames Water, Ramsey J, TCC, [2011] EWHC 3253 (TCC)**
- **Austin v. Miller Argent [2011] EWCA Civ 928**
- **Crest Nicholson Residential Ltd, R (on the application of) v Secretary of State for Environment, Food & Rural Affairs & Ors [2010] EWHC 561 (Admin)**
- **Repic Ltd, R (on the application of) v The Scottish Environment Protection Agency & Anor [2009] EWHC 2015 (Admin) (31 July 2009)**
- **Morgan & Baker v Hinton Organics, CA, February 2009**
- **Dobson v Thames Water [2009] EWCA Civ 28, CA,**
- **Watson v Croft Promosport [2009] EWCA Civ 15, CA,**
- **R (Testwood) v Environment Agency [2008]:** Judicial review about salmon fish pass.
- **R (Thames Water) v Environment Agency [2008] EWHC Civ 1763, Div. Ct**
- **R (McCaw) v Westminster City Magistrates Ct [2008] EWHC 1504 (Admin)**
- **United Utilities v Environment Agency [2007] 1 WLR 2707**
- **The Bromley ECJ reference: Thames Water & Environment Agency (C-252/05) January 2007**
- **SRM v Environment Agency [2006] EWHC 3023 Admin**
- **3C v Mersey Waste [2006] EWHC 2598 Comm**
- **Dennis v Ministry of Defence [2003] Env LR 34**
- **Bowden v South West Water [1998] Env LR 445 (Carnwath J), (CA), [1999] Env LR 438:** Shellfisherman claims for breach of EU environmental directives.
- **Middleton v Wiggin [1996] Env LR 17, CA:** Environmental insurance coverage dispute.
- **The Coalite Litigation:** Pollution claims by local farmers and inhabitants, environmental insurance coverage dispute and Health and Safety at Work Act prosecution.

Clinical Negligence

He has acted in many cerebral palsy cases over the last 25 years, for claimants and defendants. He has also appeared for healthcare professionals in various disciplinary tribunals, and in the Alder Hey and Nationwide Organ Retention Litigation. He acted for the CQC in the Francis Inquiry and for Sellafield Ltd in the Redfern Inquiry into the retention of tissue samples in the nuclear industry. He regularly appears at inquests.

Selected Cases

- **Sir Robert Francis Inquiry into Mid Staffs Hospital (2011-2012):** Acted for CQC.
- **Lennie v Royal Victoria Infirmary [2006] EWCA Civ 975**
- **AB v Leeds HA [2005] QC 506:** Nationwide Organs Litigation.

Professional Discipline & Regulation

David's professional negligence work has involved lawyers giving planning and environmental advice, including the conduct of environmental litigation. It also involves construction professionals, as well as planning and

environmental consultants. He is instructed on policy issues in the professional indemnity and environmental insurance contexts.

Selected Cases

- **D Morgan Plc v Mace & Jones (a firm) [2010] EWHC 3375 (TCC).**
- **Urban Regeneration Agency v Mott Macdonald [1996] NJ 736:** Multi-million pound Chatham Dock decontamination claim against environmental consultants.

Appointments

- Chair of the Environmental Law Foundation (ELF), (2016 – present).
- EU Emissions Trading Scheme Appeals Officer (2005-present).
- CRC Appeals Officer (2012- 2015).
- Accredited mediator (2003).
- Lay member and deputy Chair of the St Thomas' Local Research Ethics Committee (2002-2012).

Education

- Undergraduate certificate in genetics, Cambridge University (2015)
- BA (Cantab) in Classics & Law

Memberships

- UKELA
- PNBA
- ELF

Publications

- Editor, Burnett-Hall on *Environmental Law*, Third Edition, 2012, and author of chapters on water pollution, water abstraction, flooding and waste.
- David is a regular speaker at UKELA and the Land Symposium.
- Frequent contributor to 1COR Human Rights Blog: over 300 posts on environmental, medical, human rights and public law issues.