

David Hart KC

Call: 1982 KC: 2003



The mainstay of David Hart KC's practice is environmental law. He has 30+ years experience in this field.

"He's a leading environmental silk and does the whole range all the way from the classic nuisance work to permitting matters."

Chambers & Partners 2023

"A resourceful statesman."

Legal 500 2024

"He's very knowledgeable."

Chambers & Partners 2024

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, air (Coalite), odour (Dobson), noise (Dennis, Watson), fishing (cockles, polluted trout streams, protected areas), windfarms (Macarthur and public inquiry), and contaminated land.

He has a wide contaminated land practice, including two leading appeals against Part IIA notices (Sevenoaks and Sandridge), one of which went to judicial review (Crest). He has advised local authorities, developers and landowners on litigious and transactional issues, and has conducted trials concerning contaminated land. He was in the leading case on Japanese Knotweed liabilities (Network Rail) and continues to advise public authorities on such issues.

He has advised on end-of-waste issues for more than 20 years, appearing in 3 of the leading cases involving challenges to decisions by the Environment Agency (Castle Cement), SRM (recycled solvents, heard with OSS at 1st instance), and Safety-Kleen.

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), and frequently in the Court of Appeal.

Selected Cases

- **Richards v Environment Agency and another [2022] EWCA Civ 26**: landmark emissions case in Court of Appeal.
- **Manchester Ship Canal v. United Utilities (2022, CA)**: no civil liability for sewage discharges to canal.
- **Beirut Port Explosion (2021)**: Representing victims of the 2020 Beirut Port Explosion.
- **Safety-Kleen (2020)**: end of waste judicial review.
- Repsol (2019) emissions trading scheme appeal to FTT.
- **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.
- **States of Guernsey v 3M [2016]**: Commercial Court: £20m+ product liability claim concerning PFOS used in fire fighting foam.
- **R v. KV [2011] EWCA Crim 2342**: transfrontier shipment of waste appeal.
- **Winwood & Ors v Biffa Waste Services Ltd & Anor [2011] EWCA Civ 108** construction of a landfill lease.
- **Crest Nicholson Residential Ltd, R (on the application of) v Secretary of State for Environment, Food & Rural Affairs & Ors [2010] EWHC 561 (Admin)** judicial review concerning Part IIA contaminated land
- **Dobson v. Thames Water, Ramsey J, [2011] EWHC 3253 (TCC)** – 6 week sewage odour nuisance case
- **Repic Ltd, R (on the application of) v The Scottish Environment Protection Agency & Anor [2009] EWHC 2015 (Admin)** (31 July 2009) WEEE
- **Watson v Croft Promosport [2009] EWCA Civ 15, CA**, noise
- **SRM v Environment Agency [2006] EWHC 3023 Admin**; end of waste
- **3C v Mersey Waste [2006] EWHC 2598 Comm**; landfill directive
- **Urban Regeneration Agency v. Mott Macdonald (2003)**; professional negligence claim concerning over-budget land decontamination contract
- **Castle Cement v. EA [2001]**; cement kiln fuel: end of waste
- **Middleton v Wiggin [1996] Env LR 17, CA**: landfill environmental insurance coverage dispute.
- **The Coalite Litigation**: Dioxin pollution claims by local farmers and inhabitants concerning hazardous waste incinerator, environmental insurance coverage dispute and Health and Safety at Work Act prosecution.
- **Cambridge Water v. Eastern Counties Leather, HL, 1993**, water pollution by tanneries

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.

Listen to David discuss key topics on our podcast, [Law Pod UK](#):

[Ep 101](#): Should we sue doctors? (with [James Badenoch KC](#))

[Ep.9](#): Measuring clinical effectiveness for specialist drugs

[Ep. 3](#): Negligence ruling in meningitis case

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.
- David Hart QC & Jonathan Metzger (2018) 'The Aarhus Costs Rules – Past, Present and Future', *Judicial Review*, 23:2, 83-91
- Law Pod UK Ep. 3, 6, 9, 101 and 190.
- Frequent contributor to [1COR Human Rights Blog](https://www.1cor.com): over 300 posts on environmental, medical, human rights and public law issues.