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## James Pereira QC - Environmental Law (EU/UK/Common law)

### Environmental Law (EU/UK/Common law)

James is ranked as a leading silk in Environmental Law in Chambers and Partners and the Legal 500, who nominated him Real Estate, Environment and Planning Silk of the Year for 2016, 2017 and 2019. He has appeared in the European Court of Justice twice on EU environmental law matters, and is a visiting Professor in European Environmental law at King's College, London. He is a co-author of 'Statutory Nuisance: Law and Practice' (4ed., Bloomsbury, 2019), and a former council member of the United Kingdom Environmental Law Association.

Chambers and Partners describe him as "calm, authoritative and a dogged advocate", pointing out that "clients love him because he is really personable, but also a tough advocate."

His practice spans a wide range of areas of domestic and EU environmental law, including IPC regulation, contaminated land, water resources, species and habitats protection, pollution control, statutory nuisances and environmental impact assessment. He has been involved in a number of leading court cases involving the application of European Law in the UK courts. He also has extensive experience of planning cases and public inquiries involving environmental issues, including the promotion of Water Resources Management Plans, Waste Local Plans and LDDs where SANGS and other measures have been used to avoid harm to European sites.

He has acted in several private law environmental claims, including those involving Group Litigation Orders, PCOs and the application of the Aarhus Convention.

His work also covers novel forms of environmental regulation, such as promoting the UK's first congestion charging scheme in London, proposals for the Central London Low Emissions Zone, Emissions related Congestion Charging and EU Carbon Emissions Trading.

### Cases include

- *R (Shirley) v Secretary of State* [2019] EWCA Civ 22 ? acting for the successful planning

authority in an appeal concerning EU air quality standards and planning.

- *Canterbury City Council v Secretary of State* [2019] EWHC 1211 (Admin) ? on the exercise of discretion for failure to carry out an appropriate assessment under the Habitats Directive.
- *R (Scarsbrick) v SSCLG* [2017] EWCA Civ 787 - successful defence of challenge to Whitemoss hazardous waste landfill consent.
- *Holiday Extras v Crawley BC* [2016] EWHC 3247 (Admin) - challenge to adoption of development plan on Strategic Environmental Assessment grounds.
- *Austin v Miller Argent* [2015] 1 WLR 52 (CA) - application of the Aarhus Convention to private law nuisance.
- *Ashdown Forest Economic Development Corporation v Wealden DC* [2015] Env LR D1 - successful defence to adoption of development plan involving Habitats and Strategic Environmental Assessment issues.
- *Forest of Dean Friends of the Earth v Forest of Dean Council* [2014] Env LR 3 - successful defence of adopted development plan involving Habitats and SEA issues.
- *R (Lyon) v Cambridgeshire City Council* [2014] Env LR 11 - successful defence of planning permission involving EIA issues.
- On-going advisory work for various clients on the impacts of surface and groundwater abstractions on protected habitats and species (2013-onwards).
- Water Resources Management Plan Inquiry (May-June 2010) - acted for South East Water against the Environment Agency in the first ever water resources management plan inquiry.
- *Sembcorp Bournemouth Water Co v Bournemouth City Council* (2012) - notice appeal for Bournemouth Water Co.
- *Loader v Secretary of State* [2012] EWCA Civ 869 - meaning of "significant environmental effects" under the EIA Directive and the use of the precautionary principle in screening opinions.
- *Alyson Austin v Miller Argent* [2011] EWCA Civ 363 - defeating a 500+ group litigation order
- *R (Griffin) v LB Newham* [2011] EWHC 53 - successful defence of planning permission to increase flights at London City Airport.
- *R (Brown) v Carlisle City Council* [2010] EWCA Civ 523 - salami slicing and EIA development.
- *R (Wye Valley Action Group) v Herefordshire Council* [2010] Env LR 18 - on the requirement for EIA of polytunnel development
- *ECJ Case C-290/03 R(Barker) v London Borough of Bromley and in the House of Lords R(Barker) v LB Bromley* [2007] 1 AC 470 - junior counsel for the successful claimants in the leading ECJ cases on environmental impact assessment and reserved matters applications.
- *R (Rockware Glass) v Chester City Council* [2007] Env LR 3, junior counsel for the successful claimant in the leading Court of Appeal case on the IPPC Directive and Regulations and the approach to assessing Best Practicable Means.
- *R (Robinson) v Torridge DC* [2007] 1 WLR 871, acting for the successful claimant in the first case to consider the application of section 259 Public Health Act 1936 to highway bridges that cause flooding.
- *R (Lewis) v Environment Agency and Onyx* [2006] Env LR 10, counsel for the successful second respondent on the first case to consider the meaning of 'prevent' under annex I of the Landfill Directive and the legality of sub-water table landfill sites.
- *ECJ Case C-201/01 R v Secretary of State ex parte Wells* [2004] ECR I-723, junior counsel for the successful claimant before the ECJ in a leading case on the duty to take

remedial action for breaches of the EIA Directive.

- *Bown v Secretary of State* [2003] EWHC 819 Admin, a challenge to a CPO for failure to comply with the Wild Birds Directive.
- *Gillespie v Secretary of State and Bellway Homes* [2003] Env LR 30, Times, 7 April 2003 on the scope of considerations relevant to a screening opinion under the EIA Directive.
- *Prokopp v Tower Hamlets* [2003] EWHC (Admin) 960 - successful defence to an EIA challenge of the East London Line Extension.
- *Ind v Plant Hire Co.* [1999] Env LR D15 - £3.5 million claim for contaminated land.

James is a member of the United Kingdom Environmental Law Association, the Environmental Law Foundation and the Planning and Environment Bar Association.  
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