John Bates

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Overview

John mainly practices in environmental law, being one of the first members of the Bar to specialise in the area. He has written extensively on this broad and specialist subject. His first book was *UK Marine Environmental Law* which was followed by *UK Waste Law* and the looseleaf work *Water and Drainage Law* which he has now been updating for over 30 years. He is also co-author of *Liability for Environmental Harm* (along with former members of Old Square Chambers, Charles Pugh and William Birtles).

John compiled the Fact Sheets on Environmental Access to Justice Rules in the EU Member States for the European e-Justice Portal.

John is experienced in civil litigation in the Technology and Construction Court as well as more generally. He also does judicial review; most recently concerning the Drinking Water Inspectorate, a claim that settled.

John advises on Town and Country Planning matters and is a member of the Planning and Environment Bar Association and he was Chairman of the UK Environmental Law Association 1991-3.

Environment

Over the last 20 years, John has acquired considerable experience in civil cases involving environmental work.

Barr v Biffa [2011] EWHC 1003 (TCC) was a group litigation case of odour nuisance from a landfill with 152 Claimants. John did the legal advocacy for the Claimant which involved a detailed examination of the regulatory scheme in both English and EC legislation as the Defendant raised the defence of statutory authority. They also argued that compliance with the regulatory scheme was a “reasonable use” of land for the law of nuisance. D’s statutory authority argument was rejected but they succeeded on “reasonable use.” The decision was successfully appealed.

Dobson v Thames Water [2011] EWHC 3253 (TCC) was a group litigation nuisance case concerning odour and mosquitoes with over 1300 Claimants. John dealt with the mosquito case, cross-examining expert witnesses and doing the opening and closing speeches on them. He was also involved in the detailed negligence claim in respect of the design and operation of the sewage treatment works and drafted the particulars of negligence.

He was junior counsel in the *Organophosphate Litigation*. This litigation was concerned with farmers and others alleging illness caused by low-level exposure to pesticides. There was considerable toxicological material as to the effects of organophosphate chemicals like diazinon on the nervous system. There was neurological evidence and reports from a neuropsychologist. John conducted some of the cases before the Queen’s Bench Master and Morland J. The claims failed on attribution in that it could not be shown that prolonged or low level exposure to organophosphates causes physical or mental illness.

Following the Camelford water poisoning incident John was instructed to bring a private prosecution against the water company.

He acted for the Mayor of London in a challenge to the Mayor’s Waste Management Strategy – R (on the app. of West London Waste Authority v. Mayor of London [2007] EWHC 757 (Admin).

Expertise

- Administrative & Public Law
- Environment
- Health & Safety & Environmental Law
- Inquests & Public Inquiries
- Public Law
- SHE & Criminal Regulatory

Recommendations

"John is very experienced and knowledgeable in environmental group actions." Chambers & Partners 2026

"John is responsive, approachable and gets to grip with complex matters while providing advice which is clear and prompt." Chambers & Partners 2026

“John gets straight to the point, addresses the matter directly and gives pragmatic advice. He knows his stuff and has been doing this for a long time.” Chambers & Partners 2025

"John is excellent in his field and always gives prompt written advice." The Legal 500 2024

Key contacts

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John's caseload will typically include drainage concerns of developers of housing estates, sewerage problems, statutory nuisance, contaminated land, nature conservation, actions criminal or civil liability arising from waste management operations, noise or pollution from industrial sites and issues over fishing rights. He also advises industry on potential UK or EEC legislation and acts for local authorities.

Contaminated Land

John has dealt with cases concerning contamination from petrol stations and domestic oil installations. In a recent claim, oil from a central heating system escaped and contaminated the ground under the house and next door properties. The claim was made against those responsible for maintaining the system. The claim settled.

Drainage

As the author of *Water and Drainage Law,* John has advised on numerous cases concerning drainage rights at common law and under legislation. In particular, he has advised developers as to the rights they have to drain from their sites, the extent of those rights and liability for discharging excessive flows. He has also advised landowners adversely affected by drainage discharges.

Fishing Rights

John has advised landowners on fishing rights in waters on their land. He has acted for fishing clubs in relation to pollution of their fisheries. He has traced rights in coastal waters from the 11th century and considered the particular grants made to Welsh marcher lords.

Flood Defence/Land Drainage

John has considerable experience in this area of law. He has advised developers on the land drainage aspects of their proposed developments and rights to drain land into watercourses. He has also advised on rights where land drainage is obstructed and the legal consequences where river banks are eroded by boat wash or by natural flows.

He has acted for people affected by flooding and advised on the liability of developers and local authorities for flood damage. He has also dealt with issues under drainage byelaws.

In 2011 he acted for a farmer seeking to enforce duties under a local Act for the maintenance of sea defences. He has advised on the new flood protection regime and the policy of "managed retreat." In particular, he considers that where flood defences are allowed to fail, those whose land is flooded may be able to obtain compensation under the Human Rights Convention.

Human Rights

Environmental claims fall under Article 8 or Article 1 of Protocol 1 to the Human Rights Convention. John has advised landowners on the effect of the Convention on their property rights. He has also – in Dobson v Thames Water – argued on the Article 8 rights of those who are affected by a nuisance but have no legal interest in the property concerned.

Navigation

Private and public rights of navigation can raise difficult issues in the interpretation of private Acts and proof of the exercise of such rights. John has advised on the existence and extent of navigation rights, charges for use of navigations, mooring rights and pollution from vessels.

Reservoirs and Dams

John acted for a Claimant whose fish farm was adversely affected by flows from a dam. The case settled. He has advised on reservoir safety issues and common law right to impound flows in a watercourse.

Sewers

John has extensive experience in dealing with all issues relating to sewers from trade effluent discharges to construction and maintenance of sewers. He has advised developers on rights to connect to sewers and the vexed problem of sewerage undertakers' rights to restrict development near their sewers.

Waste Management

John has written about, lectured on and advised on waste law and has acted in waste management cases for over twenty years. He has dealt with criminal cases under the Transfrontier Shipment of Waste Regulations, illegal deposits of waste and waste packaging. He has advised industry and others on the application of waste management law, exemptions from environmental permitting and liability for waste dumped on another's land.

Water Abstraction/Drought

The right to abstract water is now constrained by detailed legislation and catchment management planning. John has experience in water abstraction inquiries and advising on common law rights to abstract water. He has also advised on drought permits.

Water Infrastructure

John has advised on water infrastructure issues such as rights of connection, leaks from water pipes and water charges. He has acted for water undertakers/residents in drinking water quality cases. He has also advised on private water supplies, rights to such a supply and the quality of water used.

Product Liability

John was the junior counsel in the Organophosphate Litigation which mainly concerned farmers or farm workers and their families claiming against the manufacturers of pesticides for injuries said to be caused by inhalation or adsorption of OP chemicals. The case was rejected by the Court of Appeal – *Snell & Others v Robert Young & Co. [2002] EWCA Civ 1644.*

Public Inquiry

In 2006 John acted for Newcastle City Council in a public inquiry into whether the Secretary of State should grant an application for an order under the Transport and Works Act 1992 in respect of a barrage across the river Ouseburn. The Order was granted.

Health & Safety

John has particular experience of numerous “toxic tort” cases in relation to hydrogen sulphide poisoning and carbon monoxide poisoning. These cases have either settled or been withdrawn. They involve breaches of the Control of Substances Hazardous to Health Regulations or the Workplace (Health, Safety and Welfare) Regulations.

Professional Recommendations





“John gets straight to the point, addresses the matter directly and gives pragmatic advice. He knows his stuff and has been doing this for a long time.”

Chambers & Partners 2025

“John Bates is well known and well regarded.”

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“John is excellent in his field and always gives prompt written advice.”

The Legal 500 2024