



James Burton

Year of call: 2001

Email: james.burton@39essex.com

Phone: +44 (0)20 7832 1111

"He is very impressive, very good on his feet, easy to work with and very personable; he has got everything." Chambers and Partners

James specialises in environmental law, planning law and linked compulsory purchase order (CPO)/compensation work (including Part I Land Compensation Act 1973), related areas (including energy, aviation, traffic regulation and highways/public rights of way (PRoW)) and also civil liability. His work often involves the overlap between his practice areas (e.g. environmental law, common law nuisance and Part I claims; planning protection for heritage assets and occupiers' liability).

James' work is primarily domestic, but internationally he has specific expertise in large scale toxic torts.

James appears regularly at public inquiry and in the High Court and Court of Appeal. He is equally comfortable working alone or as part of a team.

In addition to major planning, CPO/Part I and high-value catastrophic civil claims, James has substantial experience of very heavy group litigation (the Abidjan Group Litigation and, more recently, the Jalla Litigation (both toxic tort dumping/spillage claims), the Accident Group Litigation (insurance) and the criminal proceedings into the Hatfield rail disaster).

James' administrative law experience includes considerable work petitioning parliament (HS2) and also appointments as an investigating officer into allegations of misconduct in public office.

James was named Environmental and Planning Junior of the Year at the Chambers UK Bar Awards 2015.

Areas of expertise

Planning

- Aviation
- Compulsory Purchase and Compensation
- Examination in Public
- High Court Planning Challenges
- Highways, Footpaths and Rights of Way

-- Planning Appeals, Hearings & Inquiries; Planning Enforcement & Planning Application
Environment
Personal Injury and Civil Liability

-- High Court Planning Challenges

James appears regularly in the Planning Court, on both sides of the argument.

Cases of note:

- ***R (Fiske) v Test Valley Borough Council* [2021] EWHC** - challenge to grant of planning permission based on novel legal ground, permission for judicial review granted at oral hearing December 2021, final decision awaited.
- ***Keep Bourne End Green v Buckinghamshire Council & ors* [2020] EWHC and *Cranwell & ors v Guildford BC & ors* [2019] EWHC** - s.113 challenges to Local Plan allocations of land released from Green Belt, challenges refused.
- ***R (Bent) v Cambridgeshire County Council* [2017] EWHC** - challenge to a minerals planning permission on noise grounds, successfully resisted.
- ***R (Hill) v Stroud District Council* [2016] EWHC** - challenge to a major residential development on heritage grounds – misapplication of National Planning Policy Framework (NPPF) [14] tilted balance – successfully quashed.
- ***R (Palmer) v Herefordshire* [2016] EWCA** - important case re. impacts on setting of designated heritage asset and the correct approach to officers' reports.

Earlier cases include ***R (Macrae) v Herefordshire* [2012] EWCA** (LPA's statutory duty to give reasons for a grant of permission and 'paperchase'); ***R (Godfrey) v Southwark* [2012] EWCA** (substantive legitimate expectation) and ***R (Street) v Cardiff City Council* [2010] EWCA** (successful challenge to grant of permission for a large viewing balloon to be stationed by Cardiff Bay).

James also appeared in various cases concerning onshore wind energy development, when onshore wind policy was more favourable, such as ***Coronation Power Ltd v (1) Secretary of State for Communities and Local Government (2) Too Big Too Close* [2011] EWHC** (s.288 challenge to refusal of permission for wind farm successfully seen off) and ***Tegni Cymru Cyf v Welsh Ministers* [2010] EWCA** (a challenge to a decision to refuse planning permission for a wind farm on noise grounds, and important re. the scope of ETSU R-97).

Recommendations

James was named Environmental and Planning Junior of the Year at the Chambers and Partners Bar Awards 2015.

He is ranked in Chambers and Partners as a leading junior in Planning Law and Environment and in The Legal 500 as a leading junior in Planning Law, Environment and Personal Injury.

- *"He is very precise and thorough, extremely user-friendly and always enthusiastic." "He has a keen eye for detail."* Chambers and Partners 2022
- *"A very senior junior who always steps up to the mark and has the ability to understand, interpret and explain massively complicated statutes."* The Legal 500 2022
- *"Very approachable and technically accurate."* The Legal 500 2022

[QUOTES FROM 2021 TO 2017?]

- *"I am impressed by his breadth of knowledge, efficiency and thoroughness. He is extremely committed and hard-working, as well as personable, always approachable and patient in explaining complex matters to clients."* Chambers and Partners 2017
- *"An excellent planning barrister, with strength in associated areas, who is a good all-rounder."* Chambers and Partners 2017
- *"He is very personable and puts a lot of time and effort into cases."* Chambers and Partners 2017
- *"Very thorough and intellectually bright," "he demonstrates meticulous preparation and has a keen eye for detail."* Chambers and Partners 2017
- *"Produces work of impeccable quality."* The Legal 500 2016
- *"Highly motivated, and has an excellent sense of strategy and tactics."* The Legal 500 2015
- *"He is very impressive, very good on his feet, easy to work with and very personable; he has got everything."* Chambers and Partners 2014
- *"He is a brilliant planning junior and one to watch."* Chambers and Partners 2014
- *"He is always very clear and decisive."* Chambers and Partners 2014

Memberships

- UK Environmental Law Association (Council Member 2012-2020, now member of EDI Forum)
- Planning and Environment Bar Association
- Personal Injury Bar Association

Education, qualifications and scholarships

- BVC Sunley scholarship Lincoln's Inn
- BVC: Very Competent: 2001 (Inns of Court School of Law)
- CPE scholarship Lincoln's Inn
- CPE: Commendation: 2000 (City University)
- Double-first, BA Joint Honours Ancient and Modern History, University of Oxford (New College) 1998
- Scholar of New College, Oxford
- Secondary Education: St. Ignatius, Enfield

Publications

- Encyclopedia of Environmental Law (co-editor) Sweet & Maxwell
- Environmental Impact Assessment; Tromans – 2nd ed. (Contributor)
- Shackleton on the Law and Practice of Meetings (currently at 13th Edition) (Sweet & Maxwell)
- Accidents Abroad Sweet & Maxwell (Co-author) 24 October 2009

Languages

James has conversational level Spanish.

WC2A 1DD
Tel: +44 (0)20 7832 1111
DX: London/Chancery Lane 298
Fax: +44 (0)20 7353 3978

M2 4WQ
Tel: +44 (0)16 1870 0333
Fax: +44 (0)20 7353 3978

WC2A 1DD
04-03 & 04-04, Maxwell Chamber
Suites
Singapore 069120
Tel: +65 6320 9272

50000 Kuala Lumpur,
Malaysia
Tel: +60 32 271 1085

BARRISTERS • ARBITRATORS • MEDIATORS

clerks@39essex.com • DX: 298 London/Chancery Lane • 39essex.com