



JUAN LOPEZ

Year called 2002

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“He is a tenacious advocate who really fights his corner.”

Chambers & Partners

“Very knowledgeable, concise, proactive and user friendly” The Legal 500 2021

Commentaries in the UK directories, including The Legal 500 2021 and Chambers and Partners UK Bar and the Planning Magazine’s Planning Law Survey (juniors) in which Juan has been rated over many years, include: “commercially aware”, “extremely professional and diligent” and an “accessible and tenacious practitioner who has achieved some spectacular results” who demonstrates “a relaxed and clear style”.

Juan acts in all areas of major infrastructure (specialising in all aspects of energy and transportation infrastructure, DCOs and TWAOs), planning (including the promotion of large housing-led and mixed use regeneration schemes), energy and environmental law, real and commercial property, construction and commercial disputes (UK and international), compulsory purchase, land valuation/compensation, and highways (including rights of way). Juan regularly works with client teams from a wide range of infrastructure bodies, developers, landowners, surveyors, utilities as well as local authorities.

Juan combines his core areas with land and environmental taxation, enforcement and injunctions, water and sewerage, UK railway law, and agriculture.

Juan is regularly instructed in claims and references before QBD (judicial review/statutory challenges), ChD, TCC, First-tier and Upper Tribunals (Lands Chamber, Property and Tax) as well as in relation to complex international commercial litigation (EU, Southeast Asia, UAE jurisdictions).



BARRISTERS · ARBITRATORS · MEDIATORS

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## PRACTICE AREAS

- Infrastructure, Aviation & Aerospace
- Planning
- Energy & International Litigation
- Environment
- Compulsory Purchase, Land Valuation & Compensation
- Property (Real & Commercial)
- Construction
- Highways, Rights of Way & Agriculture
- Administrative & Public
- Tax (Land & Environmental)

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## PRACTICE AREAS

### INFRASTRUCTURE, AVIATION & AEROSPACE

Juan acts in relation to all areas of major and strategic infrastructure, specialising in all aspects of energy and transportation infrastructure, including DCOs and TWAOs. Juan has particular experience in road and rail transport schemes (including SRN, junction and link improvements: M2, M25; relief roads (Silvertown); Northants rail strategic interchange), renewables (including offshore wind: East Anglia), gas pipeline infrastructure, and waste (including energy-from-waste; incineration and digestion; gas capture), and often advises on scheme coalescence with neighbouring development. In connection with TWAOs, Juan has advised extensively on bridge and tunnel schemes, rail transfers, grade separation, station access and level crossings. Juan is also well versed on compulsory purchase (especially in the context of large transportation schemes) and land valuation/compensation, EIA and SEA, Habitats, energy and waste, highways and railway legislation.

Recent instructions include:

- Strategic transportation infrastructure (resisting/co-promoting Highways England schemes); mitigation schemes in connection with residential development
- Junction and link improvements: M25, M20
- Uttoxeter bypass
- Northants rail strategic interchange
- Railway accommodations and substitute works
- Advising a landowner on Hinkley Point C nuclear power station DCO in connection with transport assessment and DCO conformity (public consultation & planning performance agreement) at Examination Authority Q&As

- Acting for Northumberland Council at Inquiry, co-promoting one of the last working UK surface/opencast mines (Banks), considering Paris Agreement commitments in conjunction with UK energy mix and security of supply, wetlands and marine protection, clean energy growth, and mine operational management
- Advising UK energy-from-waste and incineration plant operators (Kent, Suffolk, Norfolk, Devon) on facility capacity for gas capture and digestion processing, EA enforcement, waste management and transfer
- Wayleaves: representing network operators, including UKPN, EPN, SSE (BEIS consenting) and affected landowners (injurious affection; trespass)
- Electricity infrastructure: UKPN, EPN, SSE;
- Water/sewerage: Anglian Water; Thames Water; Severn Trent, representing utilities and landowners
- Renewables: onshore and offshore wind; solar
- HS2 (representing landowners; objectors)

## PLANNING

Juan acts on major planning projects, including housing and regeneration schemes, commonly advising from inception. Instructions (as sole counsel) include promoting a 1,250 units scheme in Kent, the regeneration of 50 ha of best and most versatile agricultural land for residential development, sixteen other residential schemes since 2017 and a wide range of mixed use development.

Juan has in depth experience of planning inquiries and hearings. Planning inquiries in relation to iconic and prestigious UK development include:

- Tall Buildings, London: including Shell Centre, South Bank, redevelopment: 8 buildings (up to 37 storeys) for residential, retail and community/leisure uses
- Thameside West, Silvertown: Advising Deputy London Mayor for Planning & Regeneration on Direction to London Mayor regarding major Tall Buildings development, site clearance and flood defence works within Opportunity Area
- Burberry Building, Haymarket SW1 (promoting for Principality of Monaco)
- Inaugural Longine Global Champions Tour equestrian tournament (adjacent to Kensington Palace) (promoting)
- Hay Hill, W1 (promoting)
- Portland Place, W1 (promoting)
- Park Crescent, W1 (promoting)
- Millennium Hotel, W1 (promoting)
- Howard de Walden Estate, W1
- Tideway Wharf hotel redevelopment
- Contentious Hampstead Garden Suburb schemes (promoting)
- Contentious amalgamations and basement redevelopments, Kensington

- Redevelopment of Darsham Hall

Juan has also acted in a series of significant planning cases: including:

- Aireborough Neighbourhood Development Forum v Leeds City Council [2020] EWHC 1461 (Admin) (s.118 claim); [2020] EWHC 2183 (Admin) (Relief)
- Royal Borough of Kensington & Chelsea [2021]: Borough-wide digital fixed line infrastructure wayleave agreement
- Thornhill Estates Ltd v SSCLG [2019]: Development benefits and mitigations in planning
- R (oao Network Rail) v SSEFRA [2018] EWCA Civ 2069: s. 259, Town and Country Planning Act 1990; scope of stopping up
- Mansell v Tonbridge & Malling BC [2018]: planning 'fallback' implementation; presumption in favour of sustainable development
- Kendall v Rochford District Council [2015]: Adequacy of Environmental Impact Assessment (SEA & SA); reasonable alternatives assessment; compliance with Statement of Community Involvement
- R (oao Coleman) v London Borough of Barnet [2015]: s.149, Equality Act 2010 in planning
- Cogent LLP v Rochford District Council [2015]: SEA challenge to core strategy housing policies; general housing locations; reasonable alternatives
- South Northamptonshire Council v SSCLG [2012]: Due priority of statutory development plan in decision-making; national and regional need for onshore wind development
- R (oao Save Britain's Heritage) v SSCLG and Gateshead MBC [2010]: Lawfulness of prior approval; meaning of 'demolition' in EIA development; 'salami-slicing' in the context of the Bridging Newcastle Gateshead multi-phase regeneration scheme

#### ADVISORY

In addition to a wealth of general planning, commercial/real property and construction advisory work, Juan has much experience in formulating land development proposals, including:

- Overage
- Options, planning performance and development agreements, Estate contracts discharge/variation (housebuilders)
- Wayleaves, easements, restrictive covenants and profits (including restriction to access; disturbance to fishing embankment and rights), foreshore rights
- Complex ChD declaration proceedings for the release of affordable housing obligations and offset payment liabilities (Allied Irish Bank (UK))

Juan also has experience in prohibitory relief applications against unauthorised trespass and development, and is familiar with challenging complex orders in large, multi-handed proceedings, often involving asset restraint and recovery.

#### LOCAL PLANS

Juan has acted in connection with many local plans (UK & NI), acting for landowners, objectors and local authorities. From 2018, Juan acted on major parts of what, over recent years, has been the most geographically-extensive local plan in England. Juan has also lectured widely on local plan formulation, assessment and examination.

## ENERGY & INTERNATIONAL LITIGATION

Juan's comprehensive energy law practice encompasses both domestic and international law claims and disputes, and renewables consenting (including on/offshore wind, and solar) which compliments his busy infrastructure, waste and environmental practice. Juan is well versed in the interface between UK and global strategies for clean energy growth and climate change, greenhouse gas emissions and decarbonisation, security of supply, hydrogen growth, and residual UK electricity-generation through coal.

Recent cases include:

- Advising developers on the Net-Zero and climate change emergency declaration implications of energy, commercial and residential development
- Acting for a consortium of UK energy-from-waste facilities (including a port operator) in UK, EU and non-OECD (India & Sri Lanka) commercial litigation involving permitting and transboundary regimes governing the transportation of energy-from-waste by-product, enforcement, and repatriation
- Advising recycling facilities on multilateral agreements (including the Basel Convention) governing the licensing and transfer of waste to UAE, and UK/UAE repatriation controls
- Advising UK energy-from-waste and incineration plant operators (Kent, Suffolk, Norfolk, Devon) on facility capacity for gas capture and digestion processing; EA enforcement
- Acting for local authorities, advising on the continued permitting of renewable gas/anaerobic digester (energy-from-waste) development; the implications of renewable gas energy generation for the natural gas grid; quantification of 'green energy' outputs (slurry; food waste)
- Acting for Northumberland Council, co-promoting one of the last working UK surface/opencast mines, considering Paris Agreement commitments in conjunction with UK energy mix and security of supply, wetlands and marine protection, clean energy growth, and mine operational management
- Advising a large agricultural enterprise in relation to the energy law implications of agricultural biomass-to-pharmaceutical processing
- Advising a landowner on Hinkley Point C nuclear power station DCO in connection with transport assessment and DCO conformity (public consultation & planning performance agreement) at Examination Authority's written Q&As
- Wayleaves: Acting for landowners in trespass actions; injurious affection; negotiations
- Wayleaves: Acting for electricity companies promoting wayleaves (BEIS), in conjunction with Sch. 4 Electricity Act 1989; electricity distribution licensing; Engineering Recommendation P2/7; electricity circuit diversion; the Electricity Safety, Quality and Continuity Regulations 2002; Ofgem's Health Index
- Advising water and electricity companies on offsite utility connections

## ENVIRONMENT

Juan has a significant environmental law practice and frequently advises on all aspects of Strategic

Environmental Assessment, Environmental Impact Assessments, Habitats and conservation, coastal defence and flooding and pollution more widely, in the context of his infrastructure, energy, planning and environmental consenting/permitting work.

Juan also has expertise in waste (hazardous/other) within domestic, EU and other international jurisdictions (particularly, Southeast Asia and UAE). He has advised widely on UK waste management, recycling, incineration and gas capture facilities as well as mining, both from private client and domestic and international regulatory perspectives. He presently acts for a number of prominent UK-based waste facilities in international litigation engaging multiple national environmental regulators and NGOs, arising from extra-territorial, large-scale waste repatriation from Sri Lanka, India and the Middle East.

Juan also advises and lectures on air quality, the climate change aspects of development, and land remediation. Juan advises regularly on the interface between planning, energy and environmental law spheres in relation to Net Zero, most recently in connection with the UK Government's North Sea Transition Deal 2021, following on from its publication of the Energy White Paper.

Recent instructions include:

- Advising a landowner on environmental processes in conjunction with strategic coastal defence, public consultation, and flood infrastructure EIA
- Advising a landowner on hydrology impacts of development (including hydro-ecology, discharge consenting from waste releases and marine modelling)
- Advising a county council on fluvial process and land erosion liabilities
- Advising one of the UK's largest agricultural enterprises on estate-wide soil classification and enrichment in conjunction with proposed major redevelopment at hub and satellite sites
- Advising a large UK landowner on a business viability appraisal with regard to future flood risk
- Acting for appellants in landfill tax HMRC assessments and appeals (including a £5M+ valuation) before the First-tier Tribunal (Tax)

Complex, reported cases include:

- EA v Hughes [2014] EWHC 2484 (QB): Resisting EA enforcement against waste transfer facility and combustible waste depositing on land; restraint order and committal proceedings
- R (oao Save Britain's Heritage) v SSCLG and Gateshead MBC [2010]: Lawfulness of prior approval; meaning of 'demolition' in EIA development; 'salami-slicing' in the context of the Bridging Newcastle Gateshead multi-phase regeneration scheme
- R (oao Save Britain's Heritage) v SSCLG (2) Gateshead MBC (Admin) [2010]

## COMPULSORY PURCHASE, LAND VALUATION & COMPENSATION

Juan is particularly experienced in Lands Tribunal proceedings and represents CPO promoters, landowners and objectors in planning, transport and housing contexts and is experienced in the assessment of compensation arising from compulsory purchase and other statutory schemes. Juan has been instructed in complex compensation proceedings against HS2 and has represented other major bodies, including Network Rail, regional utilities and electricity companies, in statutory compensation proceedings. Juan's compensation work often

engages planning assumptions for the assessment of compensation, injurious affection, business and management time loss, Pointe Gourde, betterment, and ransom value.

Notable instructions include:

- Necessary wayleaves for electric lines: advising electricity companies (pre-compensation), including on related planning strategies, easements, compensation assessments under UT(LC) references; trespass
- Implied wayleaves: representing landowners on trespass/injurious affection claims; advising on development valuations and damages
- Statutory compensation references involving Network Rail Infrastructure Limited, as Compensating Authority, in respect of Railway Regulation Act 1842 agreements: UT (LC); interference to business caused by urgent works; permitted remediation and reinstatement to river bed under licensee control
- Advising London local authorities on 2021 district-wide, digital fixed line infrastructure wayleave agreements
- Acting for HS2 landowners and objectors
- Highways England (A2 & Ebbsfleet Junction) CPO [2019]
- Essex County Council (Chelmsford City Centre) (Cycle Route) CPO [2019]
- Leicester City Centre CPO [2019]
- Leeds City Council (East Leeds Orbital Road) CPO [2018]
- A50 Trunk Road (Uttoxeter Growth Corridor) CPO [2017]
- M20 Lorry Park, Kent (Operation Stack) [2017]
- Ransom valuation claims, including enhanced value
- Blight notices (including compensation)
- London Borough of Southwark v Kingpin Ltd; Vumpine (University of Manchester) v SoS: resisting inclusion of residential order property (planning assumptions relevant to valuation and ransom land)
- Costs after service of discontinuance notice under CPR r. 38.3 (Mount Cook Land)

## PROPERTY (REAL & COMMERCIAL)

Juan regularly acts in property disputes involving land development and property, and accepts instructions to appear in the TCC, QBD, ChD and First-tier and Upper Tribunals (Property; Lands Chamber).

### REAL PROPERTY AND LAND ACQUISITION

In conjunction with his infrastructure and planning work, Juan regularly advises on:

- Overage (including calculation, discharge and ADR)
- Option, planning performance and development agreements
- Easements & restrictive covenants (particularly in relation to the promotion or restriction of pedestrian or vehicular rights over land)
- Riparian and mooring rights (including in conjunction with repair obligations; exercise of fishing rights)

- Wayleaves (including Electricity Act 1989 applications)
- Party Wall Act, etc. disputes
- Land registration and charges
- Adverse possession claims
- Proprietary estoppel (including representation estoppel)
- Trusts of land
- Trespass (including injunctions)

#### COMMERCIAL PROPERTY

- Agricultural tenancies
- Forfeiture and termination
- Break clauses

#### CONSTRUCTION

Juan advises on construction law matters, commonly in conjunction with his infrastructure, planning and land assembly work. Juan's instructions often incorporate aspects of professional negligence.

Recent instructions include:

- Acting for a landowner in relation to high value, highway repair liability and defective flood drainage claims, arising from land slippage, obstructing access to Cheddar Gorge
- Advising a consortium of retail businesses on the construction law implications of a coastal defence scheme, including the implications of land erosion; the geotechnical assessment of remedial optioneering; wave action impact assessment; the integrationist approach to coastal defence (including strategic management), and liabilities for consulting upon and maintaining flood infrastructure
- Advising a landowner on contractual liabilities in conjunction with pier stabilising and redevelopment, scaffolding and neighbouring coastal defence works
- Acting for a rail infrastructure body in relation to alleged underbridge defects, repair responsibilities, and maintenance works
- Advising a major bus transportation operator on substandard junction design and the appropriateness of junction modelling (network loading) preceding a highways safety audit for an over-capacity junction and congested links
- Advising a residential property owner adjoining an underpass undergoing extension and repair works
- Acting for county councils in respect of highway subsidence, defective surfacing and poor drainage matters
- Acting for Network Rail Infrastructure Limited in relation to bridge repairs, ground and river bank reinforcement works (and related riparian rights)



## HIGHWAYS, RIGHTS OF WAY & AGRICULTURE

Juan is known as a leading practitioner in highway law and all rights of way matters. Landmark reported judgments, overlaying with key rights of way legislation and the dedication of public rights, include: *R (oao Ramblers) v SSEFRA* [2017] EWHC 716 (Admin) (Highways Act 1980; statutory incompatibility); *R (oao Network Rail) v SSEFRA* [2018] EWCA Civ 2069 (TCPA 1990; scope of s.259 TCPA stopping up).

Juan speaks widely on highways matters. In 2020 Juan addressed the Northern Transport and Infrastructure Development Forum on the reformulation of the Northern Powerhouse initiative and UK transport growth strategies. He also conducts in-house seminars with major infrastructure bodies and county councils.

Recent instructions include:

- Advising KCC on the 'Operation Brock' HGV traffic management system, for remediating Port of Dover/Eurotunnel traffic disruption, in conjunction with the A20 Dover Tap queuing system and Kent Access Permitting
- Advising on private maintenance responsibilities arising in respect of the National Cycling Network, in conjunction with reducing footpath erosion damage caused by the passage of the River Tyne and riverbank erosion
- Promoting the confirmation of a DEFRA s.120 Highways Act 1980 Order for the extinguishment of pedestrian access to moor land
- Acting in respect of DMMOs (15+) under Wildlife and Countryside Act 1981 and Highways Act 1980, promoting/objecting to the creation/substitution/extinguishment of PRoWs (statutory and common law dedication; use 'as of right'; statutory incompatibility; illegality; s.57 of the British Transport Commission Act 1949; Railway Clauses Consolidation Act 1845)
- *R (oao Ramblers) v SSEFRA* [2017] EWHC 716 (Admin): s.31, Highways Act 1980; deemed dedication & statutory incompatibility
- *R (oao Network Rail) v SSEFRA* [2018] EWCA Civ 2069: s.259, Town and Country Planning Act 1990; scope of stopping up in conjunction with development build-out

Juan's planning and rights of way work often overlays with his agriculture practice, being regularly instructed by a wide range of UK producers, including one of the top tier soft and top fruit UK farm holdings on consenting and best practice. Recent instructions include:

- Advising horticulturist enterprises on farm viability appraisals
- Advising a farm hub on the threshold of reasonable rate of return, crop model formulation, modern farming practices (crop-spraying, labour intensification, substrate growing), input costs (orchard aging and replanting), yield and productivity, crop 'farm gate' pricing; and the usability of alternative farm crops (fruit, vegetables, cereal) and livestock

## ADMINISTRATIVE & PUBLIC

Juan has advised and acted in a series of central and local government law cases, including:

- Advising Network Rail Infrastructure Limited on potential interference with Art.8 ECHR arising from closure of level crossing and diversion of physical access

- Advising a consortium of landowners on responsibilities of public authority under s.149 Equality Act 2010, in connection with pedestrian routing around operational railway land; protected characteristics and recognition of mobility rights under PSED with regard to DfT Codes of Practice and Technical Standards
- Advising a landowner in connection with a public authority resolution on expediency and protection of the public interest to issue proceedings under s.222 Local Government Act 1972
- Advising London Mayor for Planning, Regeneration and Skills direction to London Mayor on tall buildings development, site clearance and flood defence works within Opportunity Area
- Aireborough Neighbourhood Development Forum v Leeds City Council [2020] EWHC 1461 (Admin) (s.118 claim); [2020] EWHC 2183 (Admin) (Relief)
- Network Rail v Welsh Ministers [2020] (WCA 1981, Sch.15 para 12 confirmation; Railway Regulation Act 1840 and the Regulation of Railways Act 1968)
- Royal Borough of Kensington & Chelsea [2021]: Borough-wide digital fixed line infrastructure wayleave agreement
- Thornhill Estates Ltd v SSCLG [2019]: Development benefits and mitigations in planning
- R (oao Network Rail) v SSEFRA [2018] EWCA Civ 2069: s. 259, Town and Country Planning Act 1990; scope of stopping up
- Mansell v Tonbridge & Malling BC [2018]: planning 'fallback' implementation; presumption in favour of sustainable development
- Kendall v Rochford District Council [2015]: Adequacy of Environmental Impact Assessment (SEA & SA); reasonable alternatives assessment; compliance with Statement of Community Involvement
- R (oao Coleman) v London Borough of Barnet [2015]: s.149, Equality Act 2010 in planning
- Cogent LLP v Rochford District Council [2015]: SEA challenge to core strategy housing policies; general housing locations; reasonable alternatives
- R. (on the application of Smoke Club Ltd) v Network Rail Infrastructure Ltd [2013] EWHC 3830 (Admin): Discontinuance of judicial review renewal application; consideration of *Mount Cook* principle in discontinuance; costs
- South Northamptonshire Council v SSCLG [2012]: Due priority of statutory development plan in decision-making; national and regional need for onshore wind development
- R (oao Save Britain's Heritage) v SSCLG and Gateshead MBC [2010]: Lawfulness of prior approval; meaning of 'demolition' in EIA development; 'salami-slicing' in the context of the Bridging Newcastle Gateshead multi-phase regeneration scheme

## TAX (LAND & ENVIRONMENTAL)

Juan advises on all land and environmental tax matters. Recent instructions include:

- Landfill tax assessment appeal of [£2M+ value]: First-tier Tribunal (Tax) [2021]
- Landfill tax assessment & penalty appeal [£5M+ value]: First-tier Tribunal (Tax) [2020]: buffer layered cells and taxable disposals

- Hardship certification for appeal (Finance Act 1994) [£4M+ value]: HMRC review [2021]
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## MEMBERSHIPS

- National Infrastructure Planning Association
  - Planning and Environment Bar Association
  - Compulsory Purchase Association
  - United Kingdom Environmental Law Association
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## QUALIFICATIONS

- Called to the Bar of England and Wales [2002]
  - Sir Thomas More Scholarship (Lincoln's Inn) [2002]
  - ICSL, London (BVC: Very Competent) [2003]
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## ADDITIONAL INFORMATION

### ACHIEVEMENTS

- Since 2019 Juan has been undertaking a series of school visits, promoting access to the Bar, especially for the under-represented
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