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Christopher Badger



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Area of expertise
[Arbitration](#)
[Planning & Environmental
Public Law](#)
[Regulatory & Competition](#)

Professional memberships
Association of Regulatory &
Disciplinary Lawyers
Health & Safety Lawyers
Association
South Eastern Circuit
United Kingdom
Environmental Law
Association

Profile

Recommendations

"Whether defending or prosecuting on behalf of the Environment Agency, Christopher Badger has a "simply faultless" style in court and is "justifiably" ranked as a Tier 1 Junior in the environmental regulatory field"

Winner - Real Estate, Environment and Planning Junior of the Year

Legal 500 2018 UK Bar Awards

Nominated by Chambers & Partners for Environment Junior of the Year

Chambers 2017 UK Bar Awards

"Chris is a true environmental specialist. An extremely professional and committed lawyer, he provides the balanced and pragmatic advice of one who both prosecutes and defends these matters."
"He is impeccable. He has extreme precision and thoughtful ideas."

Chambers UK Bar Guide [2018]

"He is simply faultless."

Legal 500 [2017] Tier 1

"Leading lawyer for the regulatory aspects of environmental law, he advises the Environment Agency as well as corporate and individual clients."

"Advocacy-wise he is excellent as he's very calm and thinks before he speaks." "He takes a logical approach to the issues and has a deep knowledge of the law."

Chambers UK Bar Guide [2017] Band 1

"Excellent on environmental work, especially waste crime and water pollution matters."

Legal 500 [2016] Tier 1

Appointments

'A' List Counsel on the Attorney-General's List of Specialist Regulatory Counsel.

Education

Lincoln College, University of Oxford.

Practice

Chris Badger has an established practice in commercial regulatory investigations and prosecutions, specialising in environmental enforcement, acting for both corporate and individual defendants and on behalf of the Environment Agency. High profile cases in which he has recently been instructed include Environment Agency v CRL, the Environment Agency's largest ever hazardous waste investigation, Environment Agency v Walker & Son (Hauliers) Ltd, the defining case on liability of landowners in environmental disputes; R v Rogers, Beaman and Tape Crown Ltd, the leading authority on the use of fresh evidence in appeals against sentence to the Court of Appeal and

Environment Agency v WB Ltd, the most significant environmental prosecution of its kind for the illegal export of waste abroad.

He is often asked to provide early stage advice into on-going investigations, both pre-interview and pre-charge, most recently for Clyde & Co., Kennedys, Eversheds, Kingsley Napley and Osborne Clarke as well as the Environment Agency. Recent written advice and lectures have included issues on water pollution, legal personality and "linked organisations", the definition of causation, the meaning and treatment of hazardous waste, environmental liabilities for private investors and institutional and regulatory steps required to achieve "equivalence" with current environmental standards in a post-Brexit environment.

He is responsible for editing "Environmental Law News", currently subscribed to by over 500 solicitors, is a contributor to the forthcoming Garners' Environmental Law update and is a contributor to the 2013 edition of Burnett Hall on Environmental Law. He has twice has been asked to speak at the Environment Agency's National Conference and was appointed to the "A" List of Specialist Regulatory Counsel in June 2012.

Environmental Law

Recent instructions include:

Environment Agency v CRL & others

Counsel on behalf of the defendant Company in the Environment Agency's largest ever hazardous waste investigation. Successfully resisted representations made to look beyond the individual legal personality and means of the defendant company and consequently limited financial penalties to £22,450 with no costs order. Instructed by Osborne Clark LLP.

Environment Agency v A Commercial Joint Venture (Bolton Crown Court)

Counsel on behalf of four multi-national organisations who formed a commercial joint venture to conduct construction and engineering works in conjunction with United Utilities Ltd. Criminal proceedings against all companies were pursued following a water pollution incident in the North West. The case has developed the concept of legal personality for an unincorporated joint venture. Instructed by [Withers Worldwide LLP](#).

R v Rogers, Beaman and Tapeccrown Limited (Court of Appeal) [2016] 2 Cr.App.R.(S.) 36; [2016] Crim LR 787

Guideline authority on the use of fresh expert evidence in appeals against sentence to the Court of Appeal. The case followed the imposition of a Regulation 44 Remediation Order in the Crown Court following a successful prosecution for waste offences.

Judicial review proceedings challenging the implementation of the EU ETS scheme

Currently instructed by two international corporates in a challenge to decisions by DECC under the regulations concerning the control of greenhouse gas emissions. Instructed by [DLA Piper](#).

Environment Agency v UK Wood Recycling Limited (Middlesbrough Crown Court)

Complex prosecution of a wood waste recycling company for storing wood waste in a manner likely to cause pollution to the environment or harm to human health. Highly contentious, due to the

imposition of fire prevention guidance on a sector of industry highly dependent on maintaining large stocks of combustible waste.

Environment Agency v S C Chadwick & Sons Limited

Counsel instructed in the first ever judicial review challenge to the service of a suspension notice by the Environment Agency under Regulation 37(3)(A) EPR 2010.

State of Guernsey v Secretary of State for the Environment and the Marine Management Organisation

Counsel instructed to urgently respond in judicial review proceedings following the decision of the UK to revoke reciprocal fishing licences issued to Guernsey vessels after Guernsey refused to be bound by UK quotas in conjunction with the EU's Common Fisheries Policy.

A wastewater recycling company v Environment Agency

Judicial review proceedings, injunction proceedings and a planning inspectorate appeal against the imposition by the Environment Agency of both an enforcement notice and a suspension notice, effectively shutting down the business. Politically sensitive, due to numerous odour complaints and the involvement of MPs and DEFRA, legal action resulted in the staged continuation of the business. Instructed by [Greenwoods](#)

Environment Agency v Walker & Son (Hauliers) Ltd (Court of Appeal) [2014] EWCA Crim 100

Leading authority on the statutory construction of "knowingly permitting" within Regulation 38 of the Environmental Permitting Regulations 2007 and 2010. Led by Stephen Hockman QC.

Environment Agency v WB Ltd & Others (Central Criminal Court)

Counsel instructed on behalf of two companies and their director who faced charges brought under the Transfrontier Shipment of Waste Regulations 2007. The allegations concerned the illegal export of 89 shipping containers of waste to Brazil, which prompted a complaint from the Brazilian government and subsequent repatriation of the waste. It was the largest prosecution of its kind to date and attracted considerable national press interest. Instructed by [Withers Worldwide LLP](#).

Environment Agency v Bloom (Plant) Ltd & Others (Nottingham Crown Court)

Prosecution of several companies and individuals for numerous offences concerning multiple illegal waste sites across the Midlands region. The allegations included the mishandling and storage of asbestos waste generated from construction and demolition and repeated failures to follow HSE guidance and regulations.

U Ltd v Environment Agency

Counsel instructed on behalf of the Environment Agency in interim injunction and judicial review proceedings following the imposition of a suspension notice on a wood waste business due to a risk of serious pollution from fire.

Environment Agency v South West Water (Exeter Crown Court)

Leading Counsel instructed by the Environment Agency in one of the first sentencing cases brought after the advent of the new Definitive Guideline for Sentencing Environmental Cases.

Judicial Review Proceedings into costs recovery under COMAH Regulations 1999

Instructed by the Environment Agency in judicial review proceedings that challenged the legitimacy of costs recovery by the HSE for investigations into major accidents and the relevant factors to be

taken into account.

Environment Agency v Asif Ali & others (Bradford Crown Court)

Leading Counsel instructed by the Environment Agency in the multi-handed prosecution of 4 companies and 8 individuals concerned in the illegal processing and export of contaminated plastic waste to Pakistan, India and Hong Kong. Leading Holly Webb.

R v McMurray & McMurray (St Albans Crown Court)

Prosecution of a haulage firm for offences of gross negligence manslaughter and breaches of the duty of care owed to its employees under the Health and Safety at Work Act 1974. Extensive corner cutting motivated by financial greed and a failure to follow appropriate regulations led to the tragic death of an employee of the firm who fell asleep at the wheel. Led by Charles Miskin QC.

[BBC News Report](#)

[Daily Mail News Report](#)

Environment Agency v MD Ltd (Snaresbrook Crown Court)

Appeal against sentence for a single offence of an unlawful discharge activity concerning milk pollution by a major dairy. Instructed by [Burgess Salmon LLP](#).

Environment Agency v Johal (Reading Crown Court)

Counsel instructed by the Environment Agency in the trial and subsequent confiscation proceedings of Amrik Johal. Following his conviction for illegal waste operations, his benefit figure was assessed at £3.88 million and available assets valued at £881,000, one of the largest confiscation orders obtained by the Environment Agency to date.

Environment Agency v Loveridge, Loveridge & Smith (Cambridge Crown Court)

Counsel for the Environment Agency in the prosecution of the highest risk site in the country, an unauthorised and highly contaminated end-of-life vehicle operation, in the face of direct threats to the safety of Environment Agency Officers and a threat of arson to their offices. Confiscation proceedings followed. This case attracted national press interest.

Environment Agency v Murrell & Murrell (Guildford Crown Court)

Counsel instructed on behalf of a multi-agency investigation involving the Environment Agency, Surrey County Council, English Heritage and Tandridge District Council into allegations of the operation of an illegal waste transfer station and illegal dumping in the immediate area of the "Large Multivallate Hillfort", a scheduled monument at War Coppice Camp in Surrey, actions that have damaged the scheduled monument itself.

Environment Agency v Global Renewables Operations Lancashire Ltd (Preston Magistrates' Court)

Counsel instructed on behalf of the Environment Agency following significant and prolonged odour pollution by a multi-billion pound waste treatment facility.

HSE v A (Northampton Crown Court)

Counsel instructed on behalf of one of the largest private landlords in the country for numerous allegations concerning breaches of his duties to tenants and uninhabitable properties.

RBKC v KCC Europe Ltd (West London Magistrates' Court)

Counsel instructed on behalf of a construction company charged with allegations of numerous breaches of an enforcement notice. The local authority was forced into retracting the prosecution

following an abuse of process argument that addressed critical failures to follow the correct enforcement policy.

HSE v Keen Construction Ltd (Reading Crown Court)

Counsel instructed on behalf of the HSE to prosecute a company following the near fatal accident of an employee at work. Instructed by [Lester Aldridge LLP](#).

Environment Agency v Ford, Parish & Chilvers [2010] EWCA Crim 2631
(Snaresbrook Crown Court/Court of Appeal)

Counsel for the Environment Agency in the prosecution of an illegal waste disposal and dumping operation in Barking, involving 3 defendants and lasting 3 weeks at Snaresbrook Crown Court. Several technical arguments were raised by the defence concerning the interpretation of EU Directories, domestic and EU case law on the definition of waste and the extent of relevant exemptions. All arguments were resolved in favour of the prosecution.

An appeal against conviction was rejected at the leave stage following written representations that demonstrated that the defence propositions were simply unarguable. In an appeal against sentence, the Court of Appeal upheld the principle of the imposition of a joint and several costs order in criminal proceedings.

Environment Agency v Phillips (Kings Lynn Magistrates' Court)

Counsel on behalf of the Environment Agency in the first criminal prosecution brought under the Import of Live Fish Act 1980. Politically sensitive, due to the potential negative impact on the ecosystem were non-native fish to escape into the wild. Advice provided on evidential sufficiency and the use of trading names in licences. The defendant was successfully prosecuted and the maximum sentence was passed.

Other Advice Work includes:

Addressing the compliance deficit post Brexit

The definition of hazardous waste and the application of EU law to appropriate methods of analysis and disposal

The application of the EU-ETS scheme

The definition of waste

The unlawful imposition of charges for the disposal of household waste

End of waste and advice on the interpretation of environmental permit conditions

Part II Directed Surveillance under the Regulation of Investigatory Powers Act 2000

The Prosecutor's discretion in pursuing confiscation proceedings

Recent Lectures & Training

'Environmental Enforcement' (Speaker at Clyde & Co, January 2017)

'Leaders at the Bar: Regulatory Sentencing' (HSE Connect, Pinsent Masons, January 2017)

'Environmental Permitting and Brexit' (City of London Law Society, Norton Rose, December 2016)

'Environmental Sentencing' MBL Seminars, October 2016

'Sentencing Regulatory Cases' (Speaker at Clifford Chance, July 2016)

'Sentencing Regulatory Cases' (Speaker at Burges Salmon, May 2016)

'Fighting Waste Crime' (Speaker at CIWM, Dentons, May 2016)

'Sentencing Regulatory Cases' (Speaker at Allen & Overy, March 2016)

'Sentencing Regulatory Cases' (Speaker at Travers Smith, January 2016)

'Sentencing Environmental Cases' (Environment Agency National Conference, 26th February 2015)

'Regulatory Cases Update' (Solicitors Journal Live, Emirates Stadium, February 2015)

'Environmental Enforcement' (Speaker at Pinsent Masons, October 2014)

'Sentencing Environmental Cases' (Speaker at Squire Patten Bogg, September 2014)

'Sentencing Environmental Cases' (Speaker at Burges Salmon, July 2014)

'Sentencing Regulatory Offences' (Solicitors Journal Live, Emirate Stadium, 19th June 2014)

'The Environmental Sentencing Guideline' (Environment Agency, 20th and 21st May 2014)

'Advising private equity on environmental liabilities' (Travers Smith, 16th Oct 2013)

'Confiscation in Environmental Cases' (Clyde & Co; Osborne Clarke)

2013 Environment Agency National Conference (26th February 2013, Birmingham)

'End of waste' (Osborne Clarke)

'Sentencing in Environmental Cases', 2012 Environment Agency National Conference (28th Feb 2012, Cardiff)

'Costs recovery in COMAH Cases' (Russell Jones & Walker, Dec 2011; Kingsley Napley, Mar 2012)

'Disclosure Training' (Environment Agency, 20th-23rd Feb 2012; 25th Jul 2012)

Environment Agency Training Day (7th Dec 2011) 'Expert Evidence, Abuse of Process and Common Applications'

Recent Publications

Contributor to Burnett Hall on Environmental Law 2013 (Sweet & Maxwell)

Environmental Sentencing Referencer 2012 (Bang Anderson Ltd)

'Remediation: Aggravation or Mitigation' (E-Law, December 2011)

'Abuse of Process in Regulatory Cases' (Environment Agency, December 2011)

'Piercing the Corporate Veil' (Butterworth's Journal of International Banking and Finance Law, April 2010)