

Gordon Wignall

Call: 1987

"My go-to counsel for enforcement notices and appeals."

Chambers 2025

Gordon Wignall is a 'top-ranked' individual with special interests in the law of nuisance (environmental and property), waste, environmental permitting and collective redress (including costs and funding).

During his career Gordon has appeared in the Competition Appeal Tribunal, worked on murder cases in the Privy Council, undertaken judicial reviews in various areas from homelessness to agricultural sludge (via environmental permitting, residential planning and statutory nuisance) and helped claimants and defendants in pollution-related and property damage cases in the magistrates' and Crown Courts as well as in the High Court (including all divisions of the Business and Property Courts).

Gordon's collective redress cases have involved domestic and European and African countries as well as consumer, competition and financial services claims. He worked for claimant groups in Arch-Cru, Arck, Harlequin, Keydata and the VW emissions cases. He has drafted CFAs, DBAs and litigation funding agreements. Unusual and interesting cases have involved the 'common enemy' principle relevant to flooding cases, spontaneous combustion of coal, FSMA's collective redress procedures and a post-Brexit Francovich claim for breaches of Air Quality legislation.

Gordon was on the editorial board of The White Book and the chief editor of the Law Society's Guide to Conditional Fees, with many appearances in the Senior Courts Costs Office. At the time of writing he is updating Garner's Environmental Law on Common Law Remedies and contributing a new section on Environmental Permitting.

He maintains a website and blog concerned with the law of nuisance, environmental permitting, waste and related issues at <https://wiglaw.co.uk/>

Gordon Wignall provides advice and representation at No.5 via his BSB entity Gordon Wignall Limited.

Expertise

Environment

Gordon Wignall has a specialist understanding of all aspects of environmental and planning work. He has a particular interest in the waste,

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recycling and associated industries and in the agricultural and related sectors (extending to habitats law). Pollution issues, including contaminated land, flooding, noise, odour, fire, air quality and water pollution, constitute a significant part of his work. He is a recognised expert in litigation relating to private, public and statutory nuisance (including s.82 proceedings) and has written and lectured in the area. His current caseload includes complex end-of-waste issues and he is familiar with devolved Welsh law, as well being a member of the Bar of Ireland.

Gordon had an unusual training which encompassed both complex commercial law as well as serious crime. This has given him a strong grounding in both written and oral advocacy and there is a balanced application of both in his practice.

He is familiar with conflicts of laws and arbitration principles. He advises and provides representation in overlapping areas which have environmental issues as their subject matter, including contract and professional negligence.

He has been instructed in many cases covered by a group litigation order.

Gordon is accustomed to working under pressure and as part of a team. As well as acting for private operators on the receiving end of applications for injunctive relief, he has obtained injunctions on behalf of local authorities where other remedies have proved inadequate. He is familiar with issues of privacy and confidentiality and has been instructed in proceedings before the Investigatory Powers Tribunal (RIPA surveillance powers).

Recent environmental cases include 9- and 10-day hearings in widely publicised residential noise nuisance disputes, judicial review challenges to the environmental regulation of waste oils and contaminated soils, group litigation about manufacturing from timber and animal rendering and the criminal consequences of river pollution and fire. On-going cases include end-of-waste and oil pollution in Nigeria.

Not surprisingly, Gordon is especially pleased to be able to assist in claims where complex expert evidence needs to be presented or disputed. This may arise in any of the areas in which he provides and has provided assistance, whether in civil, criminal or administrative proceedings, including the following:

Experience by reference to subject areas, businesses and trades:

- Agricultural feed production and bedding
- Animal rendering (classes I and III)
- Animal bedding
- Aluminium foundries
- Asbestos
- Biomass operators
- Brassica growers
- Car manufacturing
- Colliery working (and spoil heaps)
- Combined heat and plant operators
- Composting plants
- Construction sites
- Contaminated soils
- Controlled waste
- Dairy processing (cheese, milk and whey) • Demolition contractors
- Demolition waste
- Developers
- Diesel spills
- Dog owners
- Dust generation

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- Fertiliser manufacturers
- Flooding
- Gamekeepers
- Garages
- Exercise gym in Central London
- Highways
- Kennels
- Kerosene spills
- Knackermen
- Land drainage
- Landfill operators
- Landowners
- Meat processors
- Motor racing circuits (racing car, motocross and motorcycle) • Motorcycling training venues
- Music festivals
- Nursery school business
- Oil spills
- Paint manufacturers
- Paper/cardboard collection
- Potato washing plants
- Public houses
- Rendering operators
- Reservoirs
- Residential occupiers and their premises (tonal, impact and services noise and vibration)
- Retail development
- Scrap yards
- Septic tanks
- Sewage treatment plants • Sludge handlers
- Smoke, flues, chimneys and stacks • Spoil heaps
- Steel foundries
- Storage tanks
- Subsidence
- Transportation
- Trees
- Tree root subsidence and 'heave'
- Turbine operators
- Vehicle testing and maintenance operators
- Waste brokers
- Waste oil (processed and re-refined products)
- Waste paper brokers and exporters • Waste transfer stations
- Waste water treatment plants
- WEEE
- Wood recycling and treatment

Notable Cases

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R. (on the application of Ball) v Hinckley and Bosworth BC

Noise – statutory nuisance – local authorities’ powers and duties – motor racing

King’s Bench Division (Administrative Court) [2023] EWHC 1922 (Admin), [2024] Env.L.R. 2, 2024 P.T.S.R. 19, Eyre J and Court of Appeal (to follow)

Ray v Windrush Riverside Properties Ltd

Private nuisance – noise – odours – injunctions

Queen’s Bench Division (Technology & Construction Court) [2022] EWHC 2210 (TCC), 23 Aug 2022, Judge Russen QC

Fouladi v Darout Ltd

Noise – landlord and tenant – breach of covenant – private nuisance – ancillary issues

Chancery Division [2019] EWHC 1674 (Ch), 28 Jun 2019, Henry Carr J

R. (on the application of Cleansing Service Group Ltd) v Environment Agency

Environmental permits – exemptions – sewage sludge – agricultural fertiliser

Court of Appeal (Civil Division) [2019] EWCA Civ 157, 14 Feb 2019

Fouladi v Darout Ltd

Noise – landlord and tenant – breach of covenant – private nuisance

Chancery Division | [2018] EWHC 3501 (Ch), 19 Dec 2018, Morgan J

R. (on the application of Protreat Ltd) v Environment Agency

Energy – waste oil – European Union – ministerial guidance

Queen’s Bench Division (Administrative Court) | [2018] EWHC 1983 (Admin) Sir Wyn Williams, [2019] Env. L.R. 5,

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[2018] P.T.S.R. 2090

Parkin v Alba Proteins Ltd

Animal by-products – group litigation – nuisance – remedies and costs

Queen’s Bench Division District Registry (Carlisle) [2013] EWHC 2740 (QB) 13 Sep 2013, Judge: Holroyde J

Parkin v Alba Proteins Ltd

Animal by-products – group litigation – nuisance – addition of parties – estoppel

Queen’s Bench Division District Registry (Carlisle) [2013] EWHC 2036 (QB) 31 Jul 2013, Judge: Holroyde J

Stratford on Avon DC v Secretary of State for Communities and Local Government

Planning – development plans – public participation – residential development

Queen’s Bench Division (Administrative Court) [2013] EWHC 2074 (Admin), 18 Jul 2013, Judge: Hickinbottom J
[2014] J.P.L. 104 Judgment

Anslow v Norton Aluminium Ltd

Private nuisance – group litigation – dust – noise – environmental permitting

Queen’s Bench Division District Registry (Birmingham), [2012] EWHC 2610 (QB), 28 Sep 2012, Judge: Judge McKenna

R. (on the application of European Metal Recycling Ltd) v Environment Agency

Environmental permitting – suspension notices – interim injunction

[2012] EWHC 2361 (Admin), [2013] Env. L.R. 14, [2012] L.L.R. 963, Judge: Judge Pelling QC

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R. (on the application of South Kesteven DC) v Grantham Magistrates' Court

Statutory nuisance – abatement notices – best practicable means – noise

Queen's Bench Division (Administrative Court) [2010] EWHC 1419 (Admin), [2011] Env. L.R. 3, [2010] L.L.R. 709
Judge: Wyn Williams J

Watson v Croft Promo-Sport Ltd

Private nuisance – motor sports – planning permission – injunctions

Court of Appeal (Civil Division), [2009] EWCA Civ 15, [2009] 3 All E.R. 249, [2009] 2 E.G.L.R. 57, [2009] 18 E.G. 86, [2009] L.L.R. 800, [2009] J.P.L. 1178, [2009] N.P.C. 15

Watson v Croft Promo-Sport Ltd

Private nuisance – motor sports – planning permission – remedies

Queen's Bench Division District Registry (Newcastle), [2008] EWHC 759 (QB), 6 Apr 2008, Judge: Simon J, [2008] EWHC 759 (QB), [2008] 3 All E.R. 1171, [2008] Env. L.R. 43, [2008] 2 E.G.L.R. 149, [2008] L.L.R. 754, (2008) 152(18) S.J.L.B

Anthony v Coal Authority

Fire – private nuisance – foreseeability - waste disposal

Queen's Bench Division, 28 Jul 2005, Judge: Pitchford J [2005] EWHC 1654 (QB), [2006] Env. L.R. 17

Arscott v Coal Authority

Flooding – private nuisance – common enemy

Court of Appeal (Civil Division) [2004] EWCA (Civ) 892, [2005] Env LR 6, (2004) 148 S.J.L.B.880, [2004] N.P.C. 114

Arscott v Coal Authority

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Water law - flooding – private nuisance – common enemy

Queen’s Bench Division, [2003] EWHC 1690 (QB), 16 Jul 2003, Judge: Royce J

Hounslow LBC v Thames Water Utilities Ltd

Water law – statutory nuisance - sewage treatment

Divisional Court, [2003] EWHC 1197 (Admin), 23 May 2003, Judge: Pitchford J; Scott Baker LJ, [2004] Q.B. 212, [2003] 3 W.L.R. 1243, [2004] Env. L.R. 4, [2003] E.H.L.R. 18, [2004] J.P.L. 301, [2003] 24 E.G. 162 (C.S.), (2003) 100(27) L.S.G. 37, The Times , June 9, 2003

Civil law and statutory nuisance claims

Gordon provides pre-litigation advice, such as for producers seeking approval for end-of-waste status and for parties to leasehold agreements (advising for instance whether a break notice or notice of termination has been validly served). He has experience in contractual and also in trespass / boundary disputes, which he uses in appropriate cases. He has presented numerous claims under the group litigation principles used in the civil courts (he provided claimant representation in the VW emissions proceedings).

Many claims in which Gordon is involved concern issues relevant to pollution. He has an extensive track record of private, public and statutory nuisance proceedings, litigating the following issues, many of which are recurrent topics:

- Compensation levels in cases of amenity damage • Compensation where remediation is required
- Compensation in ‘stigma’ cases – oil, kerosene and other spills • Costs in statutory nuisance proceedings
- The corporate veil: when can it be drawn aside?
- Discovery of documents in both criminal and civil contexts
- The existence of alleged easements to pollute (noise and odour)
- Evidence corroborating complaints of nuisance: its legitimate extent
- Flooding, including ‘the common enemy’ (Gordon’s Court of Appeal case on the ‘common enemy’ as a defence to flooding remaining the lead authority on the topic); he is familiar with the initial expert evidence required to establish causation
- Leases: can a break clauses be activated where there is an issue as to pollution?
- Leases: is the change in an energy subsidy a frustrating event?
- Injunctive relief: when should it be granted?
- Injunctive relief: is compensation an adequate alternative?
- Injunctive relief: a simple order of abatement, or should works be required? • Interim injunctive relief
- Why make a claim in negligence if there is a claim in nuisance? • Pre-action disclosure
- Prescription – has the right to pollute been established?
- Public nuisance as a means of defeating a right to prescription • ‘Reasonable user’ as a defence in nuisance
- Sentencing under the environmental sentencing guidelines • Statutory nuisance and ‘best practicable means’

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- Strict liability for fire, spills and other dangerous activities • Threshold considerations: is there a nuisance at all?
- Costs budgeting and liability for adverse costs

Gordon is pleased to assist in smaller statutory nuisance cases (as well as in s.82 proceedings).

His experience includes the following (at first instance or on appeal), often requiring detailed expert evidence as to both the threshold requirements and the question of 'best practicable means':

- noise from car works, garages, gyms, colling plant, racing tracks, schools, dogs, kennels, construction works, parties, refrigeration units, festivals and pubs
- odours, smoke and dust from food plants, biomass units, composting plants, potato washing units, sewage treatment plants, foundries, renderers and other works.

Defending environmental prosecutions

Gordon has represented defendants (both corporate and individuals) in the Magistrates Court, the Crown Court and on appeal, including in the Court of Appeal (including very large organisations).

The criminal cases he has undertaken have been concerned with various offences arising out of the management and handling of waste, asbestos, fraud, breaches of abatement notices contrary to the statutory nuisance regime, offences contrary to the Control of Pollution Act and HSE prosecutions.

Gordon was instructed in the Crown Court in the first major prosecution by the Environment Agency concerning the transfrontier shipment of waste, and he has practical experience in transfrontier issues relating to waste electrical products, metals and paper products. He has advised or provided representation for corporate and individual clients in respect of shipments destined for Rotterdam, Saudi Arabia, West Africa, Cuba and South America. TFS prosecutions have concerned issues which include the meaning of "waste" and the factual question whether there has been 'contamination'. His knowledge of international trade documentation has been of considerable assistance.

The criminal proceedings in which Gordon has been instructed have required him to address the following specific issues (all in the context of prosecutions concerning waste sectors mentioned above in the subject areas listed in this c.v.):

- Allegations of consent, connivance and neglect against directors and other officers
- 'Blending' of waste (flock and trommel fines)
- Asbestos
- Causes of pollution
- Dairy processing
- Corporate offences
- Costs recovery
- 'Culpability' (deliberate, reckless, negligent etc.)
- Disclosure (an extensive application process in one case finally resulting in the offering of no evidence by the prosecution)
- Environment Agency 'under-enforcement' and its consequences for defendants
- Fires
- Fraud charges (with no evidence being offered in one case on the entering of pleas)
- 'Harm' categorisation
- Illegal landfills
- Landfill tax avoidance
- Landfill cover
- Landfill spreading

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- ‘Mis-descriptions’ of waste: incorrect waste codes
- Operating waste sites without a permit or outside the terms of a permit
- Operating waste sites outside the terms of permitting exemptions
- Ownership of land used by others to spread processed waste
- Sentencing under the Environmental Offences Guidelines 2014 (including mitigation as to immediate / suspended terms of imprisonment)
- Storage of waste in excessive quantities
- Transfrontier shipments of waste consignments, including the consideration of commercial and export documentation relevant to different jurisdictions
- Regulations 12, 38 and 41, Environmental Permitting Regulations 2010 (and successor regulations)
- Section 33, Environmental Protection Act 1990
- Section 82 proceedings (summary proceedings by persons aggrieved of a statutory nuisance)

Public (administrative) law proceedings / permits, licences and PINS

Gordon’s environmental work includes judicial review and statutory appeals under the planning regime, including ‘conventional’ planning cases (such as housing or retail development). He was involved in a recent challenge to the regulation of the waste oil industry.

His PINS cases also regularly concern suspension notices, enforcement notices and works notices, as well as waste exemptions. He has acted for many of the most well-known recycling companies active in England & Wales. The question whether to apply for judicial review of a regulatory notice or to initiate a statutory appeal (or even both) can be a very difficult one, a matter on which he has advised and provided representation on a number of occasions.

Gordon was counsel for the successful claimant in the main judicial review authority concerning enforcement notices under the Permitting Regulations, and continues to have an in-depth understanding of the circumstances in which an urgent application to the High Court is necessary in order to keep a business alive when faced with a regulatory notice. He also has experience of the practical matters necessary to contest the rarely-used provisions of the Water Resources Act used by the Environment Agency to protect water from pollution.

Gordon is familiar with the correct application of the Core Guidance procedures invoked by the Environment Agency when rejecting an application for an environmental permit on grounds of competence.

Planning appeal work for waste and recycling clients has included issues relating to noise, applications to introduce machinery, agricultural waste, spoil and landfill sites and WEEE.

Gordon has advised applicants in many regulatory areas where a permit or licence is required, including those issued by the Environment Agency and Natural England. He has acquired a good working understanding over the years of English and Welsh law as it has developed under EU law, including the Waste Framework Directive, Industrial Emissions Directive, Air Quality Directive, By-Products Regulations, Water Framework Directive, Habitats Directive and the Birds Directive. He is very familiar with canons of both domestic and EU legislative interpretation and their application to detailed facts.

As to permitting exemptions, Gordon has successfully presented judicial review applications in the High Court in which it has been alleged that the UK has not transposed the exemption provisions of the Waste Framework Directive correctly. He has advised processors and re-refiners of waste oils as to the scope of various provisions emanating from the Waste Framework Directive. He has acted for various waste brokers and transporters.

Gordon has some 30 years’ experience of judicial review, case stated and statutory appeal proceedings in a number of the subject areas set out above at the beginning of this c.v.

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Particular administrative / statutory appeal issues have included the following:

- Aarhus and costs issues
- Aarhus and public participation
- The boundaries of an “abuse of power” and legitimate expectations • ‘Better regulation’ and regulatory reform issues
- The ‘duty to give reasons’
- The ‘duty of sufficient inquiry’ (before serving a regulatory notice)
- End of waste
- Challenges to regulatory enforcement decisions and notices • Environmental permits and ‘competence’ of the operator
- The EU Charter of Fundamental Rights and its application
- Exemptions under the Environmental Permitting Regulations
- Licences to shoot under the Deer Act and habitats legislation
- Local authority housing land supply
- ‘Localism’
- NPPF (‘National planning policy framework’)
- The overall proportionality of a decision under challenge
- Statutory interpretations and the meaning of rules and regulations • Statutory nuisance: judicial review or case stated on appeal?
- Sustainable development
- Whether a decision is unreasonable (in a legal sense)
- Waste Framework Directive issues

Whilst residential and retail planning appeals have been part of his practice these too tend to include issues relating to the Aarhus convention and EU-related matters such as Environmental Impact Assessments.

Business & Property

Gordon Wignall practices in three particular areas within the Business and Property Courts. These are (i) group litigation and collective redress (including costs), (ii) individual claims, (iii) real property claims connected with breach of covenant and private nuisance (typically noise, dust, etc). Gordon’s private nuisance work is described in more detail in the “environmental” expertise section of this website.

Notable Cases

Ray v Windrush Riverside Properties Ltd

Private nuisance – noise – odours – injunctions Queen’s Bench Division (Technology & Construction Court) [2022] EWHC 2210 (TCC), 23 Aug 2022, Judge Russen QC

Fouladi v Darout Ltd

Noise – landlord and tenant – breach of covenant – private nuisance – ancillary issues Chancery Division [2019] EWHC 1674 (Ch), 28 Jun 2019, Henry Carr J

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Fouladi v Darout Ltd

Noise – landlord and tenant – breach of covenant – private nuisance Chancery Division | [2018] EWHC 3501 (Ch), 19 Dec 2018, Morgan J

R. (on the application of Protreat Ltd) v Environment Agency

Energy – EU law - waste oil – European Union – ministerial guidance – ministers' powers and duties Queen's Bench Division (Administrative Court) | [2018] EWHC 1983 (Admin) Sir Wyn Williams, [2019] Env. L.R. 5, [2018] P.T.S.R. 2090

UKRS Training Ltd v. NSAR Ltd

Competition law – “undertaking” Competition Appeal Tribunal, [2017] CAT 14 [2017] Comp. A.R. 368

Parkin v Alba Proteins Ltd

Animal by-products – group litigation – nuisance – remedies and costs Queen's Bench Division District Registry (Carlisle) [2013] EWHC 2740 (QB) 13 Sep 2013, Judge: Holroyde J

Adlington v ELS International Lawyers LLP (In Administration)

Group litigation – financial services – Particulars of Claim – relief from sanctions Queen's Bench Division District Registry (Birmingham) 12 December 2013 [2014] Costs LR 105, Judge: Oliver-Jones QC

Parkin v Alba Proteins Ltd

Animal by-products – group litigation – nuisance – addition of parties – estoppel Queen's Bench Division District Registry (Carlisle) [2013] EWHC 2036 (QB) 31 Jul 2013, Judge: Holroyde J

Venum Property Investments Ltd v Space Architecture Ltd

Procedure – claim against architects – Particulars of Claim - service Queen's Bench Division (Technology & Construction Court) [2013] EWHC 1242 (TCC), Judge: Edwards-Stuart J.

Watson v HM Courts and Tribunals Service National Taxing Team

Assessment of costs – legal profession – costs from central funds Divisional Court | [2012] EWHC 2865 (Admin), 3 Oct 2012

Anslow v Norton Aluminium Ltd

Private nuisance – group litigation – dust – noise – environmental permitting Queen's Bench Division District Registry (Birmingham), [2012] EWHC 2610 (QB), 28 Sep 2012, Judge: Judge McKenna

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Re Glatt

Insolvency – costs [2010] EWHC 3619 (Admin), 14 December 2010, Judge: Mitting J.

Watson v Croft Promo-Sport Ltd

Private nuisance – motor sports – planning permission – injunctions Court of Appeal (Civil Division), [2009] EWCA Civ 15, [2009] 3 All E.R. 249, [2009] 2 E.G.L.R. 57, [2009] 18 E.G. 86, [2009] L.L.R. 800, [2009] J.P.L. 1178, [2009] N.P.C. 15

Thomson v Berkhamsted Collegiate School

Non-party costs orders – legal professional privilege Queen’s Bench Division [2009] EWHC 2374 (QB) [2010] C.P. Rep. 5, [2009] 6 Costs L.R. 859, (2009) 159 N.L.J. 1440, Judge: Blake J.

Watson v Croft Promo-Sport Ltd

Private nuisance – motor sports – planning permission – remedies Queen’s Bench Division District Registry (Newcastle), [2008] EWHC 759 (QB), 6 Apr 2008, Judge: Simon J, [2008] EWHC 759 (QB), [2008] 3 All E.R. 1171, [2008] Env. L.R. 43, [2008] 2 E.G.L.R. 149, [2008] L.L.R. 754, (2008) 152(18) S.J.L.B

Anthony v Coal Authority

Fire – private nuisance – negligence – foreseeability – waste disposal Queen’s Bench Division, 28 Jul 2005, Judge: Pitchford J [2005] EWHC 1654 (QB), [2006] Env. L.R. 17

Arcscott v Coal Authority

Water law - flooding – private nuisance – common enemy Court of Appeal (Civil Division) [2004] EWCA (Civ) 892, [2005] Env LR 6, (2004) 148 S.J.L.B.880, [2004] N.P.C. 114

Arcscott v Coal Authority

Water law - flooding – private nuisance – common enemy Queen’s Bench Division, [2003] EWHC 1690 (QB), 16 Jul 2003, Judge: Royce J

Hounslow LBC v Thames Water Utilities Ltd

Water law – statutory nuisance - sewage treatment Divisional Court, [2003] EWHC 1197 (Admin), 23 May 2003, Judge: Pitchford J; Scott Baker LJ, [2004] Q.B. 212, [2003] 3 W.L.R. 1243, [2004] Env. L.R. 4, [2003] E.H.L.R. 18, [2004] J.P.L. 301, [2003] 24 E.G. 162 (C.S.), (2003) 100(27) L.S.G. 37, The Times, June 9, 2003

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Group litigation

Gordon has conducted and assisted in the management of numerous multi-party actions under the GLO provisions of Part 19, CPR (and otherwise). These include the following types of cases:

- Financial services (including the FSMA collective redress procedure) • Professional negligence (solicitors and banks)
- Consumer protection
- Landlord and tenant
- Environmental (pollution) cases
- VW emissions
- Personal injury and defective products

He has also advised and provided representation in competition and data protection cases.

His caseload has included claims concerning Nigeria, Pakistan, Cyprus, Cap Verde, Channel Islands, France, Eire, Portugal, Holland, Spain and jurisdictional disputes and relevant international conventions and treaties.

His experience in jurisdictional and international litigation includes issues concerning the Brussels Regulation and Hague Conference issues as well as the CJA 1982. Gordon was instructed in the first major Crown Court prosecution of transfrontier waste offences.

As the editor of the Law Society's Guide to CFAs and a former contributing editor to The White Book, Gordon has an extensive costs practice including wide experience of multi-party actions and insurance funding. His experience covers the drafting of DBAs, CFAs, CCFAs and litigation funding agreements. He has frequently appeared in the SCCO.

Gordon has a special interest in the funding of litigation and advised members of the House of Lords on the application of LASPO and the implications for the UK's obligations under the Aarhus Convention. His specialist advisory work includes the drafting of funding vehicles connected with different forms of litigation funding, some including insurance provision.

Individual claims

Gordon is experienced in contractual disputes: sale of goods of different descriptions, breaches of covenant and general contractual disputes of various descriptions.

In private individual cases, he has experience of restraint of trade (including injunctive relief), wrongful dismissal, restitution, 'piercing the corporate veil', breach of confidence and advice and representation in disciplinary proceedings.

His fraud experience includes all forms of claims including FSA-unregulated investments and offshore property schemes (including CEPPs).

In negligence-related matters his case work has included claims against banks for negligence in the conduct of mortgage and property transactions and claims for and against IFAs and other professionals.

He is a recognised expert in private nuisance, including flooding, leasehold flats, noise nuisance, smoke, animal by-products and WEEE. Other special areas of interest include waste, ship recycling and waste transshipment.

He has undertaken judicial review work in various regulatory contexts, especially in environmental and financial services cases. In appropriate cases he defends criminal allegations made by regulators.

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Regulatory

Gordon Wignall is an experienced regulatory practitioner with a special interest in the approach to regulation taken by both legislators and regulators and in the construction of regulatory notices.

He provides advice and assistance in all forums (judicial review, statutory tribunals and criminal as well as damages claims). He makes active use of EU-derived provisions where appropriate, and has an interest in competition/state aid issues, including especially network industries and the role of the state pre- and post-liberalisation. He appears in the Competition Appeal Tribunal.

He is a recognised specialist in litigation funding and costs expert with a good understanding of regulatory issues concerning solicitors (including procurement). He has advised local authority legal departments on social security procurement matters and as to the extent to which they can charge for services.

Gordon has drafted many agreements requiring an understanding of regulatory issues concerning solicitors, EU instruments concerning various issues and the protection due to consumers, FSMA and insurance matters.

Recent regulatory environmental work is described in more detail in the environmental section of this website.

Notable Cases

R. (on the application of Ball) v Hinckley and Bosworth BC

Local government – local authorities’ powers and duties – regulatory notice – implication of terms – motor racing King’s Bench Division (Administrative Court) [2023] EWHC 1922 (Admin), [2024] Env.L.R. 2, 2024 P.T.S.R. 19, Eyre J and Court of Appeal (to follow)

R v. Daircrest

Pollution offences - Fine of £1.5m Truro Crown Court, 23 June 2022

Staffordshire Moorlands DC v. Sanderson

Local government – regulatory notices – scope – community protection notices Divisional Court [2020] EWHC 962 (Admin), 19 March 2020, [2020] A.C.D. 69

R (on the application of Cleansing Services Group Ltd v. Environment Agency

Regulatory notices – environmental permits – exemptions – scope Court of Appeal (Civil Division) [2019] EWCA Civ 157, 14 Feb 2019

R. (on the application of Protreat Ltd) v Environment Agency

Energy – EU law - waste oil – European Union – ministerial guidance – ministers’ powers and duties Queen’s Bench Division (Administrative Court) | [2018] EWHC 1983 (Admin) Sir Wyn Williams, [2019] Env. L.R. 5, [2018] P.T.S.R. 2090

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UKRS Training Ltd v. NSAR Ltd

Competition law – “undertaking” Competition Appeal Tribunal, [2017] CAT 14 [2017] Comp. A.R. 368

Watson v HM Courts and Tribunals Service National Taxing Team

Assessment of costs – legal profession – costs from central funds Divisional Court | [2012] EWHC 2865 (Admin), 3 Oct 2012

Arscott v Coal Authority

Water law - flooding – private nuisance – common enemy Queen’s Bench Division, [2003] EWHC 1690 (QB), 16 Jul 2003, Judge: Royce J

Hounslow LBC v Thames Water Utilities Ltd

Water law – statutory nuisance - sewage treatment Divisional Court, [2003] EWHC 1197 (Admin), 23 May 2003, Judge: Pitchford J; Scott Baker LJ, [2004] Q.B. 212, [2003] 3 W.L.R. 1243, [2004] Env. L.R. 4, [2003] E.H.L.R. 18, [2004] J.P.L. 301, [2003] 24 E.G. 162 (C.S.), (2003) 100(27) L.S.G. 37, The Times, June 9, 2003

Qualifications

- Gordon Wignall is an MA of Oxford University and an MA (European Competition Law) of King’s College, London, with post-graduate diplomas from King’s College London in EU Law and in EU Competition Law.

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