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Private Nuisance

By

Lauren Bryan

Heading here

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Introduction to Today's Session

About Lauren Bryan

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About Today

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- What private nuisance is – and isn't
- Establishing liability
- Remedies and defences
- Recent case law and case studies

What is Private Nuisance?

What is Private Nuisance?

An ancient tort, which broadly arises where an act or omission interferes with, disturbs or annoys a person in their enjoyment of their ownership or occupation of land.

What is Private Nuisance?

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- Categories of Private Nuisance
 - Encroachment
 - Interference
 - Physical Injury

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Establishing Liability

Establishing Liability

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- Elements of a claim
- Ongoing or repeated harm
- Duty of care

Establishing Liability

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- Types of Loss
 - Actual physical damage
 - Unreasonable interference

Establishing Liability

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- Abating or adopting the nuisance
- Adopting the nuisance caused by a previous owner
- Landlords' liability for a tenants' nuisance

Establishing Liability


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- Approaching loss in private nuisance
 - Actual physical damage
 - Interference
- Balancing the factors



Remedies and Defences

Remedies and Defences



- Injunction
- Damages
- Damages in lieu of an injunction

Remedies and Defences

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- Reasonable user
 - Nature of the locality
 - Character of the locality
 - Reasonableness test
- Limitation
- Laches

Remedies and Defences

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- Prescription
- Statutory Authority

Remedies and Defences

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- Coming to the Nuisance
- Planning Permission
- Environmental Permit

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Recent Case Law

Recent Case Law and Case Studies

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Network Rail Infrastructure Ltd v Williams and another [2018] EWCA CIV 1514

Coventry and others v Lawrence and another [2014] UKSC 13

Raymond and another v Young and another [2015] EWCA Civ 456

Recent Case Law and Case Studies

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- Tree Roots and overhanging trees
- Flooding and subsidence
- Water ingress
- Japanese Knotweed

Questions?

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Thank you for listening