

 **GORDON WIGNALL**

**Year of Call**: 1987

**Education**
MA (University of Oxford) Karmel Scholarship prizewinner (commercial law), Gray’s Inn Norman Tapp memorial prizewinner (mooting), Gray’s Inn Diploma in EU Law (King’s College London, 2014), Diploma in EU Competition Law (King’s College London, 2015), MA in EU Competition Law (King’s College London, 2016)

**Appointments**
CEDR trained mediator; formerly a part-time employment judge

**ENVIRONMENTAL LAW CV**

Gordon Wignall has a specialist understanding of all aspects of environmental (including planning) work which involve, in particular, the waste and recycling industry and environmental permitting. He acts for both claimants and defendants in civil claims, but where a regulator is involved, he tends to be instructed against the regulator.

The subject-matter of Gordon’s practice may well have some aspect of pollution prevention or remediation about it (including contaminated land issues). He practices in all areas relevant to his specialist experience including tribunals and the civil and criminal courts. He has a detailed knowledge of the necessary procedural rules. He has a complementary and long-standing group litigation practice, which includes instructions in the VW emissions litigation and in data protection cases. He has a thorough knowledge of the principles of trade and competition law (often helpful in claims involving regulatory issues). He is familiar with jurisdictional disputes and the Brussels and Rome Regulations.

Gordon has acted for Sims Recycling UK, EMR, Squibb & Co, Ward & Co and many other waste and recycling operators. His environmental work includes judicial review and Planning Inspectorate appeals concerning suspension notices, enforcement notices and Works Notices, as well as waste exemptions, the IED Directive and end of waste issues (including circumstances surrounding the closure of the Environment Agency’s end of waste panel in 2017). He has acted for undertakings in the waste oil sector.

As to permitting exemptions, he 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 was counsel for the successful claimant in the main judicial review authority concerning suspension notices (*EMR*), 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.

Gordon 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. He is also familiar with correct workings of the procedures invoked by the Environment Agency when rejecting an application for an environmental permit on grounds of competence. He has contested claims involving the refusal by the Environment Agency to grant a permit to Court of Appeal level.

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. His planning work includes PINS appeals against enforcement notices.

Criminal cases in which he has appeared have been concerned with various offences arising out of the management and handling of waste (including operating without a permit), breaches of abatement notices contrary to the statutory nuisance regime and offences contrary to the Control of Pollution Act. He was instructed in the Crown Court in the first major prosecution by the Environment Agency concerning the transfrontier shipment of waste, and has real practical experience in transfrontier issues relating to waste electrical products, metals and paper products. He has been instructed by a number of brokers/carriers.

Gordon has advised or provided representation in respect of shipments to Rotterdam, Saudi Arabia, West Africa and South America. The types of operators who instruct him or find him either on the other side of the courtroom or tribunal include scrap yards, plastics recyclers, WEEE operators,

agricultural feed manufacturers, poultry and bovine renderers, aluminium foundries, racing circuits, sludge waste handlers, food producers, smelting plants, iron foundries and gypsum producers.

Not surprisingly Gordon is especially pleased to be able to assist in claims where complex expert evidence needs to be considered and challenged. His waste and recycling work overlaps with a civil practice for and against those allegedly polluting neighbouring land, whether by noise, odours, dust, flood waters or other matters, or alternatively by causing physical damage by spillage of oil, kerosene, diesel, or by the physical interference with land. He undertakes flooding and subsidence claims and was instructed in respect of several high-profile group litigation proceedings which followed the floods in 2007, including Reservoirs Act issues. His case is the leading authority on the doctrine of the ‘common enemy’ (*Arscott*).

Whilst residential planning appeals form part of his practice these too tend to include issues relating to the Aarhus convention and EU-related matters such as Environmental Impact Assessments. He was instructed in a recent High Court challenge involving the effect of the Localism Act and the Aarhus Convention on the proper application of the prematurity principle. Local authorities have instructed him in historic buildings cases, in claims for restitution and recovery where has been necessary to pierce the corporate veil, and in the Investigatory Powers Tribunal.

Gordon is accustomed to working under pressure and on an urgent basis to obtain injunctive relief. He has also obtained injunctions on behalf of local authorities where statutory nuisance proceedings have provided inadequate remedies, as well as in the context of private law proceedings.

He has a number of judicial review authorities behind him on various statutory nuisance issues in many areas including sewage, animals, clubs, restaurants and bars, including cases before the Divisional Court. He has acted for individuals, regulators, local authorities and utilities.

Gordon’s initial training was as a shipping lawyer, followed by early years instructed in criminal cases. This gave him an excellent background in both paper and oral advocacy. He was the editor of the Law Society’s *Guide to Conditional Fee Agreements* and was on the editorial panel of the White Book (dealing with legal aid). He has a comprehensive understanding of issues relating to costs, and as a result he is able to employ tactical advantages in both civil and criminal litigation. He is a joint author of the commended website “Waste Management Permit Lawyers” which contains information as to permitting and pollution control.

**RECOMMENDATIONS**

*"A junior of choice for environment and a real heavyweight for private nuisance matters."*

**Chambers UK Bar Guide [2017]**

“*Has a practice with a strong focus on pollution claims and challenges to Environment Agency decisions. His knowledge of his area is extremely deep and extensive."*

**Chambers UK Bar Guide [2017]**

*“A respected junior who is very active on environmental and waste permitting and recycling issues”.
“He has an analytical mind and detailed approach.”* **Chambers UK Bar Guide [2016]**

*“He's a very experienced and knowledgeable barrister, and has a very pleasant manner."*

*"A great barrister who is really commercially minded, very bright and good with clients".*

**Chambers UK Bar Guide [2015]**

"*A depth of knowledge that makes him stand out".*

**Legal 500 [2015]**

*"He is very down to earth and gets on well with solicitors and clients...He is very knowledgeable, and he is able to put across complex points in understandable English".*

**Chambers UK Bar Guide [2014]**

*"He has a hands-on and very practical approach".*

**Legal 500 [2014]**