

## **GORDON WIGNALL**



*"A junior of choice for environment"*

*"His knowledge of his area is extremely deep and extensive."*

**Chambers UK Bar Guide [2017]**

*"His written work is second to none and he has an encyclopaedic knowledge of environmental law"*

**Legal 500 [2017]**

*"He has an analytical mind and detailed approach."*

**Chambers UK Bar Guide [2016]**

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

**Chambers UK Bar Directory [2015]**

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

**Legal 500 [2015]**

**Year of Call:** 1987

### **Education**

University of Oxford - MA; University of Westminster – Diploma in Law; Grays Inn - Karmel Scholarship prizewinner (commercial law), Gray's Inn Norman Tapp memorial prizewinner (mooting); King's College, London University - Diploma in EU Law, Diploma in EU Competition Law, MA in EU Competition Law

### **Appointments**

CEDR trained mediator; formerly a part-time employment judge

## **ENVIRONMENTAL & PLANNING LAW CV**

Gordon Wignall has a specialist understanding of all aspects of environmental and planning work, with a particular interest in the waste and recycling and associated industries, environmental permitting, end of waste and agricultural and habitats law. Pollution issues, including contaminated land, flooding, noise, odour, fire and air quality, 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).

Gordon practices in all areas relevant to his specialist experience including tribunals, civil and criminal courts and possesses the detailed knowledge of the procedural rules necessary for each. He has presented numerous claims under the group litigation principles used in the civil courts. He is very familiar with costs issues in all tribunals, with the recovery of costs and expenses incurred by local authorities under their statutory powers, and with the separate liabilities of group undertakings and their individual officers (including piercing the corporate veil).

He provides advice pre-litigation, 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 advises applicants in regulatory cases 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.

Gordon has acted for many of the most well-known recycling companies active in England & Wales. His environmental work includes judicial review and Planning Inspectorate appeals concerning suspension notices, enforcement notices and works notices, as well as waste exemptions. 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 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 was counsel for the 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. He is also familiar with correct workings 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. 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, 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 advised or provided representation in respect of shipments to Rotterdam, Saudi Arabia, West Africa, Cuba and South America.

The types of operators who instruct him or find him on the other side of the courtroom or tribunal include scrap yards, plastics recyclers, WEEE operators, farmers and landowners, agricultural feed manufacturers, gamekeepers, poultry and bovine renderers, aluminium foundries, racing circuits, sludge waste handlers, food producers, smelting plants, iron foundries, gypsum producers and local authorities. Not surprisingly, he 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 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.

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.

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.

Gordon's initial training was in commercial (and maritime) law, followed by a period of predominantly criminal practice. This has given him a strong grounding in both written and oral advocacy and the balanced application of both in his practice. He is familiar with conflicts of laws and jurisdictional issues. He has been a joint author of the commended website "Waste Management Permit Lawyers" which contains information as to permitting and pollution control.

Smaller nuisance cases (before civil and criminal tribunals, and for both complainants and defendants) have involved noises from car works, racing tracks, schools, dogs, construction works, parties, festivals and pubs, as well as odours, smoke and dust from food plants, biomass units, composting plants, potato washing units, sewage treatment plants, foundries, renderers and other works.

In appropriate circumstances direct access instructions are accepted, including at the pre-issue stage of litigation. Referrals can be provided to suitably qualified solicitors.

## RECOMMENDATIONS

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

*"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]**

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

**Chambers UK Bar Directory [2015]**

*"An experienced junior who has an extensive planning and environmental practice. The majority of his environmental work involves regulatory disputes with local authorities, planning authorities and the Environment Agency... He's a very experienced and knowledgeable barrister, and has a very pleasant manner."*

**Chambers UK Bar Directory [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 Directory [2014]**

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

**Legal 500 [2014]**