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## Six Pump Court

# Environmental Law Hybrid Conference - 3<sup>rd</sup> December 2021

Ashworth Centre, Lincoln's Inn and online

£20 - £125 inc. VAT

09.00 – 17.00

Ticket numbers limited\*

Six Pump Court's first environmental law conference is a timely, practice-focussed overview of key recent developments in environmental law, with two Panels dedicated to law and the climate emergency. We are delighted to welcome leading speakers who will highlight the issues that make a difference in practice now, and those which will be essential in the near future.

**\*The following Covid measures will be in place:**

- Ticket numbers limited to maintain social distancing in the lecture theatre.
- One-way system, and hand sanitisers provided.
- We encourage our delegates to wear a face mask where possible.
- We ask all attendees to take a Covid self-test before attending.

### PROGRAMME SUMMARY

- 08:45 – 09:15 Registration (Ashworth Centre, Lincoln's Inn – see below for directions).  
09:15 Conference opens for online delegates.  
Keynote address: **Professor Richard Macrory**, Emeritus Professor at UCL Laws and the UCL Centre for Law and the Environment.
- 09:30 – 10:30 **THE ENVIRONMENT ACT : TARGETING TARGETS**  
Led by Christopher Badger, Barrister, Six Pump Court.  
**Professor Eloise Scottford**, Professor of Environmental Law at UCL.
- 11:00 – 12:00 **WATER LAW: KEY ISSUES NOW AND ON THE HORIZON**  
Led by William Upton QC & Nicholas Ostrowski, Barrister, Six Pump Court.  
**Professor Ole W. Pedersen**, Aarhus University Department of Law.  
**Joanne Holbrook**, Senior Associate, Addleshaw Goddard LLP.
- 12:00 – 13:00 **THE FUTURE DELIVERY OF CARBON CAPTURE & STORAGE**  
Led by Richard Banwell, Barrister, Six Pump Court  
**Dr Sophia Northridge**, Head of Carbon Capture Utilisation and Storage (CCUS) Transport and Storage Strategy, Department of Business, Energy and Industrial Strategy.  
**Dalia Majumder-Russell**, Partner, Energy and Climate Team, CMS Cameron McKenna Nabarro Olswang LLP.

- 13:45 – 14:45      **COMPANIES, FINANCE AND CLIMATE CHANGE**  
Led by Mark Davies, Barrister, Six Pump Court  
**Vanessa Havard-Williams**, Partner and Global Head of Environment and Climate Change, Linklaters LLP  
**Sarah Oliver Scemla**, Director and Assistant General Counsel, Bank of America.
- 14:45 – 15:45      **LITIGATING CLIMATE CHANGE POST COP-26**  
Led by Stephen Hockman QC, Six Pump Court  
**Ana Kantzelis**, International Climate Lawyer & Assoc. Member, Six Pump Court  
**Rebecca James**, Managing Associate, Linklaters LLP  
Noémi Byrd, Barrister, Six Pump Court
- 15:45 – 17:00      ‘Ask the speakers’ breakout sessions (not livestreamed), refreshments.  
*See below for detailed programme and speaker profiles*

## **PRACTICALITIES**

### **Getting to Lincoln’s Inn**

The nearest underground stations are Holborn and Chancery Lane. The main gate to Lincoln’s Inn is on Serle Street. The entrance to the Ashworth Centre is near the main gate, on the left-hand side as you walk in from Serle Street.

Registration will be open from 08.45 am.

Refreshments and lunch boxes will be provided.

### **Online tickets**

The online conference will be accessed via Zoom. An individual link with password will be sent by email the week before the conference. If you expect but do not receive a link, or have any problems with registration, please email **bridget.tough@6pumpcourt.co.uk**

**The full booking link is :**

**<https://www.eventbrite.co.uk/e/six-pump-court-environmental-law-hybrid-conference-3rd-december-2021-tickets-185857082537>**

## THE ENVIRONMENT ACT : TARGETING TARGETS

The Government has promised that the Environment Act will make sure that we have a cleaner, greener and more resilient country for the next generation.

This Panel, led by **Christopher Badger** (Six Pump Court) will examine the key aspects, from long term environmental targets and environmental improvement plans to the role and responsibilities of the new Office for Environmental Protection and will be considering whether or not the Act is likely to achieve the promises and whether this really is the most wide-reaching and significant new environmental statute for many years. Speakers include **Prof. Eloise Scotford, Professor of Environmental Law at UCL.**

## WATER LAW : KEY ISSUES NOW AND ON THE HORIZON

**Nicholas Ostrowski** (Six Pump Court) will lead this Panel exploring a range of current issues with water law exploring the extent to which the Environment Agency is right to say that environmental regulation is 'not ready for a changing climate'. This Panel will explore the regulatory mechanisms available across water pollution, water resources and flooding.

**Professor Ole W. Pedersen, Professor of Environmental Law, Aarhus University**, will speak on the use of civil sanctions and undertakings agreed between water undertakers and the Environment Agency.

**Joanne Holbrook, Legal Director (Environment), Addleshaw Goddard LLP**, will speak on water resources and the preparation of water resources management plans by water undertakers.

**William Upton QC** (Six Pump Court) will discuss the Agency's statement that we must 'adapt or die', with particular reference to flood risk and the ways in which the Environment Agency is trying to respond to adapt to increased extreme weather forecasts.

## THE FUTURE DELIVERY OF CARBON CAPTURE AND STORAGE

The Panel led by **Richard Banwell** (Six Pump Court), will discuss UK Carbon Capture policy and the emerging technical and legal solutions for delivering an industrialised supply chain.

**Dr Sophia Northridge, Head of Carbon Capture Utilisation and Transport, Department of Business Energy and Industrial Strategy**, will explain the role carbon capture will play in meeting the UK's 2050 target and the infrastructure required for geological sequestration.

**Dalia Majumder-Russell, Partner, Energy and Climate Team, CMS Cameron McKenna Nabarro Olswang LLP**, will explore the emerging regulatory framework and opportunities for industry, including potential business models and commercial agreements.

## COMPANIES, FINANCE and CLIMATE CHANGE

Climate change risks are a key driver for increasing regulatory pressure on companies and financial institutions. This Panel, led by **Mark Davies** (Six Pump Court) will address the opportunities and challenges.

**Vanessa Havard-Williams, Partner and Global Head of Environment and Climate Change, Linklaters LLP**, will outline the EU, and future UK, regulatory frameworks for mandatory climate-related financial disclosures, and green taxonomy, including what the UK can learn from implementation of the EU frameworks.

**Sarah Oliver Scemla, Director and Assistant General Counsel, Bank of America**, will explore the likely challenges around the implementation of UK disclosure frameworks, the potential impact on other regulated sectors, and the work of the Chancery Lane Project in this area.

### LITIGATING CLIMATE CHANGE – WHAT COULD CHANGE AFTER COP-26 ?

The climate change policy framework in the United Kingdom is shifting rapidly, with the recent publication of the Government's strategies on Net Zero, and Heat and Buildings. Climate litigation claimants in other jurisdictions have achieved notable success in recent months, and the impact of the COP-26 outcomes on the policy landscape is awaited. What difference are these developments likely to make to climate litigation and arbitration in the United Kingdom? Will arguments which have failed so far, have a greater chance of success in the near future? Our panellists, led by Stephen Hockman QC, will discuss these issues :

**Anastasia Kantzelis**, international climate lawyer and associate member of Six Pump Court, will explain the key COP-26 outcomes and their relevance to domestic policy and regulatory frameworks.

**Rebecca James, Managing Associate at Linklaters LLP**, will consider private law claims, including emerging global trends in climate litigation and international arbitration in connection with climate change, and the UK perspective.

**Noémi Byrd**, planning and administrative law barrister at Six Pump Court, will examine why public law climate litigation in the United Kingdom has been largely unsuccessful to date, and whether this trend looks set to continue.

### SPEAKER PROFILES

**Professor Richard Macrory** is a barrister and Emeritus Professor of environmental law at University College, London where he set up and was first director of the Centre for Law and the Environment. He was a Member of the Royal Commission on Environmental Pollution between 1992 and 2003, and a Board Member of the Environment Agency in England and Wales between 1999 and 2004. He is editor in chief of the Journal of Environmental Law (Oxford University Press) and legal correspondent to ENDS Report. He was Hon. President of the National Society for Clean Air 2005-6, and chairman of Merchant Ivory Film Productions between 1988 and 2004. In 2001-2003 he was chairman of the Steering Group of the European Environmental Advisory Councils. In 2005 Professor Macrory was appointed by the Cabinet

Office to lead a review on regulatory sanctions applicable to business generally. The final report, Regulatory Justice – Making Sanctions Effective was published at the end of 2006 and all the recommendations accepted by Government. He is a bencher of Grays Inn, and was appointed an Hon. QC in 2008. In June 2021, Professor Macrory was appointed to the Board of the Office for Environmental Protection.

**Christopher Badger (Six Pump Court)** 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 Tapeccrown 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.

**William Upton QC (Six Pump Court)** is a barrister specialising in planning, environmental and local government law. As a result, his experience ranges across the civil and criminal courts, as well as public inquiries. He has acted for local authorities, the Environment Agency, private developers and third parties. He has a particular interest in the overlap between planning and environmental law, and has recently published on Flood Protection and Flood Claims in **Lawtext's Practical Guides** series.

**Nicholas Ostrowski (Six Pump Court)** specialises in environmental, planning, public, and regulatory law. He has been recommended for several years in his core practice areas and is currently ranked in three separate areas (environmental, planning and health & safety law). In 2020 Nicholas was promoted to the Attorney General's B Panel of Counsel, following 5 years as a member of the Attorney General's C Panel. In addition, Nicholas is appointed to the List of Specialist Regulatory Advocates in Health & Safety and Environmental Law (List B). He appears for and against government departments, regulators, local authorities and private companies and individuals.

**Professor Ole W. Pedersen** joined Aarhus University in 2021 as Professor of Environmental Law. Prior to this, he was at Newcastle Law School for 14 years as Director of Research. Professor Pedersen's research focuses on various aspects of environmental regulation and energy law. He is joint author of **Environmental Law** (9<sup>th</sup> ed.), a key text in the discipline. He also has keen interest in the relationship between environmental issues and human rights and has published extensively on this subject as well as the theoretical foundations of environmental law and played by the courts in shaping environmental law. Ongoing research projects include work on regulatory techniques by environment agencies, the relationship between human rights and the environment before the European Court of Human Rights and the enforcement of environmental law

**Joanne Holbrook (Addleshaw Goddard LLP)** advises on all aspects of environmental compliance, risks and liabilities in transactions (including contractual allocation of liabilities, permits and consents), in major infrastructure projects, regulatory investigations, enforcement action and related civil claims (including group actions). She has experience of major incident response, joint regulator investigations (including on matters of national security), Public Inquiries, ICO appeals and other environmental challenges. She also gives stand-alone strategic advices on a wide range of issues and supports clients with climate change and sustainability concepts including natural capital, ESG, resource efficiency and asset resilience, and environmental reporting.

**Richard Banwell (Six Pump Court)** has been practising environmental law for over 20 years, with experience in dealing with the planning and environmental aspects of infrastructure projects in the energy and waste sectors, including, solar farms, anaerobic digestion and material recycling facilities and wastewater projects. He regularly appears at public inquiries, in the High Court and criminal courts, acting on behalf of industry and regulators. Clients include, Murco Oil, Biffa, Marylebone Cricket Club, Nestlé Purina, Anglian Water, the Drinking Water Inspectorate and the Environment Agency.

**Dr Sophia Northridge (Department for Business, Energy & Industrial Strategy)** is Head of Carbon Capture Utilisation and Transport (CCUS) and Storage Strategy in the Clean Power, Strategy and Deployment Directorate at the Department of Business Energy and Industrial Strategy. Her work collaborates across different areas of Government to develop the role of Carbon Transport & Storage in delivering Net Zero. She is leading with Government, industry and regulators on the system architecture, standards and governance to support the new industry, designed to provide a strong and resilient supply chain for carbon capture, together with the development of a decommissioning/re-use strategy and policy.

Sophia's career in the Oil and Gas sector prior to joining the Department involved a wide range of technical and commercial roles across the full value chain. Following her PhD with Shell in Oman, she joined Tullow Oil working on projects ranging from Wildcat High Pressure exploration wells in Mauritania, to early oil field appraisal and developments in the East African Rift, to West African production. Most recently her commercial roles had centred on sector strategy, planning and M&A, working on major acquisitions and divestments.

**Dalia Majumder-Russell (CMS Cameron McKenna Nabarro Olswang LLP)** is a partner in the Energy & Climate Change Team specialising in complex process power and renewable projects. Over the last 10 years she has advised on developers, investors, funders, governments and contracts in Europe, Africa and North America on a wide range of renewable energy transactions, commercial agreements and the regulatory frameworks within which such projects operate, and across the project lifecycle. She is passionate about the decarbonisation agenda across the energy, heat and transport sectors, and has a particular focus on carbon capture usage and storage (CCUS) and hydrogen technologies.

**Mark Davies (Six Pump Court)** has experience of environmental and planning work within the public law and criminal law spheres. He is the current Secretary of the Planning and Environment Bar Association. He was seconded to Environment Agency for 6 months from

July-December 2018 and has undertaken work for the Agency since then through his appointment to the C Panel of the Attorney-General's Panel for Regulatory Counsel.

**Vanessa Havard-Williams (Linklaters LLP)** is leader of Linklaters' global environmental and climate change practice, co-ordinator of its firmwide ESG practice, and a founding partner in our Risk and Resilience and Crisis Management team. She is recognized as an expert in the areas of human rights, environmental law and governance, her breadth of experience in compliance and crisis management and the ability to help clients deal with complex issues. Current work includes helping financial institutions to engage with incoming regulation on sustainable finance and prudential climate requirements, helping corporates to develop climate transition plans and engage with their shareholders on these, and to build their climate disclosures, and supporting clients with issues relating to governance, board effectiveness and managing sustainability issues including in the supply chain. She is a Member of the Export Credit Advisory Group to UK Export Finance and an Advisory Board member for the Oxford University MSc in Law and Finance.

**Sarah Oliver Scemla (Bank of America)** Sarah Oliver Scemla is a Director and Assistant General Counsel at Bank of America. Ms. Oliver Scemla has primary responsibility for supporting the Bank's Global Sustainable Finance Group in EMEA and advises all business lines on legal issues in relation to environmental, social and governance legislation.

**Stephen Hockman QC (Six Pump Court)** was called to the Bar by Middle Temple and has practised throughout his career from Six Pump Court, where he is Head of Chambers. For the last three decades he has specialised in particular in environmental, planning and health and safety law, and in that period has been involved in significant cases in courts at every level and in various public inquiries. He has served as Chair of the General Council of the Bar and as Treasurer of Middle Temple. He lives in London and in St Neots in Cambridgeshire.

**Anastasia Kantzelis (Six Pump Court)** is an Australian-qualified lawyer with a specialisation in international environmental and natural resources law. Based in London, she currently works as an expert consultant and advisor to a number of private and non-governmental organisations in the fields of climate change and air quality law and policy. Ana has participated in the UNFCCC multilateral process both as an observer and as a state party delegate — including in 2015 when the Paris Agreement was negotiated and adopted — and recently served as an advisor to the Mission 2020 campaign, advancing a programme of work focused on strategic climate litigation.

**Rebecca James (Linklaters LLP)** is a Managing Associate in Linklaters' dispute resolution team in London, specialising in complex litigation, international arbitration and public international law, with significant experience acting for both corporates and States. Her experience includes representing clients in litigation in the UK courts and international arbitrations (commercial and investment), and providing strategic advice on foreign proceedings, across a range of sectors. She also has considerable experience advising clients on environmental, social and governance risk management issues.

Rebecca is dual-qualified in England & Wales and Victoria, Australia, and is a Research & Policy Director on the Campaign for Greener Arbitrations' Global Steering Committee.

**Noémi Byrd (Six Pump Court)** has substantial experience of planning disputes, from local authority enforcement to claims for judicial review, and a particular interest in the impact of climate law and policy on planning. Her recent work includes acting for community groups in opposition to electricity generation infrastructure, and groundworks for a proposed nuclear power station, as well as advising on strategic public law climate litigation. Noémi worked at an international environmental law NGO before being called to the Bar in 2004.