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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 (merit) (King's College London, 2014), Diploma in EU Competition Law (merit) (King's College London, 2015)

Appointments

CEDR trained mediator; formerly a part-time employment judge

PLANNING & ENVIRONMENTAL LAW CV

Gordon Wignall has a specialist understanding of all aspects of environmental and planning work which involve, in particular, the waste and recycling industry, environmental permitting and the trans-frontier shipment of waste.

The subject-matter of his 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, civil and criminal courts, and he has a detailed knowledge of the necessary procedural rules. He also provides advice in non-litigious regulatory cases.

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 and the IED Directive. 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 claimant in the main judicial review authority concerning suspension notices, 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 an enforcement 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.

Gordon is a joint author of the commended website "Waste Management Permit Lawyers" which contains information as to permitting and pollution control.

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 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 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 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.

RECOMMENDATIONS

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

Chambers UK Bar Directory [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]

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

Legal 500 [2015]