

ARTHUR COX

Environment & Planning

OUR FIRM

Arthur Cox is one of Ireland's leading law firms. We are an "all-island" law firm, with offices in Dublin, Belfast, London, New York and Silicon Valley. Our reputation is founded on proven professional skills, a thorough understanding of our clients' requirements with an emphasis on sound judgement and a practical approach to solving complex legal and commercial issues. Our commitment goes further than simply responding to today's issues. We partner with our clients in preparing to meet what lies ahead - both the challenges and the opportunities.

Ireland Law Firm of the Year 2017

Chambers Europe Awards

Ireland Law Firm of the Year 2016

IFLR Europe Awards

Ireland Law Firm of the Year 2016

Who's Who Legal

Ireland Law Firm of the Year 2015

IFLR Europe Awards

Ireland M&A Legal Adviser of the Year 2015

Mergermarket Awards

European Legal Team of the Year 2015

The British Legal Awards

Ireland Law Firm of the Year 2015

Who's Who Legal

THE PRACTICE

The Environment and Planning Group in Arthur Cox is widely acknowledged as one of Ireland's leading environment and planning practices. Our practice spans all sectors, including Water and Waste Water, Biologics, Chemicals, Manufacturing and Pharmaceuticals, Energy and Natural Resources, Transport and Agribusiness. Our client base includes public authorities and semi-state bodies; private developers, public private partnerships and corporates; local authorities and Government Departments; receivers, liquidators and funding institutions.

We take pride in delivering results for our clients, whether that result is securing a development / environmental consent, the successful institution or defence of criminal, civil or judicial proceedings in the District, Circuit, High, Appeal, or Supreme Court, or resolving a dispute with competitors, dealing with regulators or objectors to projects.

Our Group is headed by the highly experienced and respected partner, Deborah Spence, who is also Co-Head of our Food & Drink Group and a founding member of the firm's Health and Safety Group. Deborah has more than 15 years' regulatory, transactional and major infrastructure development experience in this practice area and is widely recognised for her strategic thinking, which she applies to particularly good effect in

litigation disruption, injunction, judicial review and regulatory defence work as well as legislative drafting projects for clients.

Prof. Yvonne Scannell, consultant, shares her unrivalled expertise with the Group. Yvonne is acknowledged as the leading authority in Ireland in environment and planning law and her in-depth knowledge of EU environmental law has caused her to be invited to lecture EU and Chinese judges on existing and emerging environmental issues and to be appointed by the Irish Government to the European Nuclear Energy Tribunal. Yvonne has the uncanny ability to get to the essence of a problem and to help clients find the best solutions.

With particular expertise in environment and planning oral hearings, judicial reviews and injunction proceedings, partner Danielle Conaghan has a keen interest in project management and uses her skills by engaging with clients in early and effective risk identification and management.

Associates Laura Rafferty, David Browne and Maeve Delargy complete and add to the strength of the group. Between them they also work on CPOs, powers and vires of local authorities and housing law, WEEE & RoHS, REACH, Seveso and Dangerous Substances.

All of the lawyers in our Group are experienced litigators and members of our Litigation and Dispute Resolution group. We harness our Group's litigation expertise

to help our clients identify, manage and/or limit project risks at the outset. This puts our clients in the best possible position to defend judicial review challenges, which are more often than not taken against the grant of a development and/or environmental consent. We also work hard with our clients to engage in early dispute avoidance and dispute resolution in respect of any conflict.

Our Group regularly harnesses the wide variety of complementary skills and experience of other groups within Arthur Cox, such as Infrastructure, Construction & Utilities, Health and Safety, Life Sciences, Property, Corporate and M&A and Corporate Recovery.

EXPERTISE

We share our clients' ambitions in wanting to be the best. We relish assisting our clients in providing timely, strategic and forward-looking legal advice and on identifying opportunities, risks and solutions. The legal landscape in this area changes at a rapid pace. Our Group is consistently ahead on emerging issues to such an extent that our clients find that they gain competitive advantage by engaging us as their legal advisors.

We advise clients on emerging issues relevant to, for example:

- » Risk reduction at pre-planning stage (EIS/AA Screening/NIS Reviews)
- » The delivery of private as well as public strategic infrastructure development
- » Waste to energy, biomass and conventional energy production
- » Climate Change Law
- » Wastewater and Waste Management Law
- » Producer responsibility initiatives for waste electrical and electronic equipment ("WEEE"), end-of-life vehicles ("ELVs") and restrictions on the incorporation of hazardous substances in certain products ("RoHS")
- » Environmental Financial Management Planning

EXPERIENCE

- » Advising the Department of Communications, Energy & Natural Resources on all European and national environmental law and regulatory requirements to be observed when considering whether or not to grant a consent to operate the Corrib Natural Gas Pipeline Project, and representing the Department on the defence of Commercial High Court judicial review proceedings challenging the granting of the consent.
- » Advising daa on all environmental and planning aspects of the development of the second (parallel) runway at Dublin Airport.
- » Advising Irish Water and its technical advisors on obtaining all necessary project consents, including the planning permission, water abstraction consent and compulsory purchase order for the State's largest water infrastructure project.
- » Advising Coillte Teoranta and ESB Wind Developments Limited joint venture on the defence of High Court judicial review proceedings against the 46.5MW Bunkimalta Wind Farm on novel grounds under the Aarhus Convention and the Briels decision of the Court of Justice of the European Union and defending the appeal of the decision to the Supreme Court.
- » Advising the Office of Public Works on its obligation to describe flood mitigation schemes in a Strategic Environmental Impact Assessment of the National Catchment Flood Risk Assessment and Management Scheme.
- » Advising Coillte Teoranta on the successful defence of a High Court and Court of Appeal judicial review challenge taken by objectors seeking to overturn the planning consent for the 50MW Cullenagh Wind Farm, on EIA and EU Birds and Habitats grounds.
- » Advising Bord na Móna and its subsidiary Edenderry Power Limited in multiple judicial review proceedings against the decision of An Bord Pleanála granting permission to extend the life of 128MW Edenderry Power Plant, a 70/30 peat and biomass fuelled plant.
- » Advising Center Parcs on all planning and environmental matters associated with permitting and setting up its €200M Longford Forest Resort Facility, its flagship project in Ireland.
- » Advising Dublin Port Company on its reclamation proposals for the Alexandra Basin Redevelopment project and advising Malachy Walsh & Partners on dredging proposals for Bantry Port.
- » Advising Space Bear IR DAC (a subsidiary of Disney/Lucasfilm) on all planning and environmental matters concerning the Star Wars filming on Skellig Michael and in other locations in Ireland.
- » Advising Facebook on successfully developing its first major Data Centre in Ireland (Co. Meath) involving the submission of dual Strategic Infrastructure Development and Meath Co. Co. planning applications.
- » Advising the Health Service Executive on de-risking the planning consent for development of the National Forensic Mental Health Hospital, from judicial review challenge.
- » Advising BAM on all planning and environmental aspects arising in the development of the Courts Bundle (seven national Courthouses); the DIT Grangegorman Campus PPP; and on Schools Bundles (4 and 5).
- » Advising the Health Service Executive on its special compulsory purchase powers for the proposed development of the National Paediatric Hospital.
- » Advising Covanta, the private partner with Dublin City Council in the Poolbeg Dublin Waste-to-Energy facility, on all planning and environmental approvals and on securing project financing for the largest such facility to be developed in Ireland.
- » Advising the Railway Procurement Agency ("RPA") for approval for extensions to existing LUAS Lines B and C, and advising and defending the RPA in CPO related Judicial Review proceedings arising therefrom.
- » Advising daa on all planning and environmental aspects of Dublin Airport's new Terminal 2 including representing daa at the planning oral hearing into the €600 million facility.

OUR TEAM



DEBORAH SPENCE
PARTNER

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Deborah Spence is Head of the Environment & Planning Group, co-Head of the firm's Food & Drink Group and is a founding member of the firm's Health and Safety Group. With over 15 years' experience in this specialised field at the highest level, Deborah has an extensive environment and planning practice in advising and representing private and public bodies operating in this sector, with a special focus on greenfield and brownfield pharma, biologics and tech start-ups, infrastructure and utilities. She has a particular expertise in the waste, water and contaminated lands sectors, and has been involved in advising on most of the oral hearings and environmental judicial reviews taking place in these areas in Ireland to date. Her experience in guiding clients through diverse and contentious environmental and planning matters is second to none.



PROF. YVONNE SCANNELL
CONSULTANT

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Dr. Yvonne Scannell has extensive experience in environmental and natural resources matters. A consultant to the Environment & Planning Group at Arthur Cox since 1990, she has been consistently nominated in the top three environmental lawyers in Ireland. The Financial Times listed her as one of the top 20 Environmental lawyers in the EC and she has recently been appointed to the European Nuclear Energy Tribunal. She has unparalleled expertise in advising and negotiating with public and private companies and public agencies on planning and environmental matters on an extraordinarily wide range of major projects; most recently in the energy, cement, mining, quarrying, agribusiness and natural resources sectors where she consistently finds innovative solutions to complex problems.



DANIELLE CONAGHAN
PARTNER

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Danielle Conaghan has extensive experience advising on contentious and non-contentious environmental and planning issues on major projects in the energy & natural resources, renewables, food & drink, water & wastewater, pharma-chem, health, education and transport sectors for over ten years. She has particular expertise in de-risking projects; oral hearings, judicial reviews, injunctions and civil and criminal enforcement proceedings; and environmental and planning aspects of M&A and project-financing transactions. Danielle has a keen interest in project management and uses those skills regularly to work with clients to identify, assess, mitigate and manage risks. She most enjoys creating bespoke solutions to enable her clients deliver their projects, obtain and defend from challenge project consents, and achieve and maintain regulatory compliance.



LAURA RAFFERTY
ASSOCIATE

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Laura Rafferty is an Associate and former Barrister, who joined the group two years ago with five years' litigation experience. Her practice and experience covers all areas of environmental, planning, infrastructure, and health and safety law. Laura has a particular specialism in the adversarial areas of High Court planning judicial review, injunctive relief and criminal enforcement proceedings. Laura has a special focus on risk assessing alternative and renewable energy projects, particularly in windfarms, and regularly advises on contentious and non-contentious matters arising out of the pre-planning, planning, development and funding of energy projects.



DAVID BROWNE
ASSOCIATE

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David Browne joined the Group in November 2016 and, prior to that, practised as a Barrister-at-law for five years, specialising in planning, environmental, local government and administrative law. David is experienced in judicial review proceedings (including related to the EIA and Habitats Directives), s.160 injunctions and defending planning enforcement and EPA prosecutions. He previously worked in the Department of Transport as an advisor in sustainability matters and has conducted research on climate change and energy policy. He is the author of 'The Law of Local Government' and is widely published in the areas of environmental law and sustainability.

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