

ARTHUR COX

Environment & Planning

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Arthur Cox's team, led by Deborah Spence, is 'of the highest standard.'

The Legal 500: Europe, Middle East & Africa, 2016



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

Best Firm in Ireland 2016 & 2017
Europe Women in Business Law Awards

Best National Firm for Women in Business Law 2016 & 2017
Europe Women in Business Law Awards

Best National Firm Mentoring Programme 2016 & 2017
Europe Women in Business Law Awards

Ireland Law Firm of the Year 2016
International Financial Law Review (IFLR) Europe Awards

Ireland Law Firm of the Year 2016
Who's Who Legal

Americas International Tax Firm of the Year 2016
International Tax Review

Advised on the 'Deal of the Decade' – Merger of Lafarge and Holcim
Mergermarket European M&A Awards

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, Renewables and Natural Resources, Transport and Food and Drink. 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.

Partner Danielle Conaghan is recognised as a "next generation" lawyer with over 12 years' experience of advising on complex and high profile projects, cases and transactions with planning and environment issues. Her specialty is creating solutions and strategies for clients and helping them anticipate and manage risks in consenting, financing, constructing, operating and buying or selling projects and businesses in the renewable & energy; water & waste; pharmachem & manufacturing; food & drink; and social infrastructure sectors. She has advised on over 1500MW of wind projects.

Senior associate Laura Rafferty and Associates Maeve Delargy, Jacinta Conway and Eimear O'Hanrahan 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 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 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 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 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 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 daa on all environmental and planning aspects of the development of the second (parallel) runway at Dublin Airport and Terminal 2 including representing daa at the planning oral hearing into the €600 million facility.
- » 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 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 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 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 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 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 the Health Service Executive on de-risking the planning consent for development of the National Forensic Mental Health Hospital, from judicial review challenge.
- » 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 the Health Service Executive on its special compulsory purchase powers for the proposed development of the National Paediatric Hospital.

OUR TEAM



DEBORAH SPENCE
PARTNER

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Deborah Spence has over 15 years experience in advising on environmental and planning issues at the highest level and is head of the Environment & Planning Group and spear-headed the firm's Health and Safety Group from the environmental perspective. She has an extensive practice advising and representing private and public bodies with a special focus on novel infrastructure projects such as data centres, biofuel facilities, greenfield and brownfield pharma, biologics and tech start-ups. She has a particular expertise in the waste, water and contaminated lands sectors. She has advised on most of the Strategic Infrastructure Development oral hearings as well as the environmental and planning judicial reviews taking place in these areas in Ireland to date. She is widely recognised for her strategic thinking, and particularly enjoys advising on litigation and regulatory defence work.



PROF. YVONNE SCANNELL
CONSULTANT

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Dr. Yvonne Scannell has unrivaled 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 water and waste-water infrastructure, 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 twelve 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.



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