

# Environment





Tier 1 in The Legal 500 and Band 1 in Chambers UK

Tier 2 in The Legal 500 Scotland and Chambers Band 1 ranked lawyer in Scotland

Stephen Shergold offers “deep substantive knowledge, coupled with great experience with the regulators and knows how to get the regulator to recognise the business realities,” “His communication skills are superb and he is a real asset in negotiations.”

– Chambers 2017

Sam Boileau is described by clients as “exceptionally knowledgeable and helpful,” and clients are “impressed with his ability to think ahead and analyse the business needs.”

– Chambers 2017

Helen Bowdren is “very credible in the field of environmental litigation of risk.”

– The Legal 500 2017

“...the firm is an authority on many local areas in the developing world. The team has good knowledge on industrial pollution claims and breaks everything down to understandable but cutting-edge advice.”

– Chambers 2017

Pamela Coulthard attracts praise from sources for being “very good technically”.

– Chambers 2017

# Environment

The Dentons Environment & Safety team is ranked by both *Chambers* and *The Legal 500* as one of a small handful of leading environmental practices in the UK. With four individual rankings in *Chambers*, the Dentons Environment & Safety team is “recommended for strong industry knowledge, particularly within the waste, oil and gas and energy sectors.” and “noted for its sound legal advice.”

– *Chambers UK, 2017*

We are very experienced in environmental law. Our key strengths lie in the breadth of our specialist practice which covers:

- Advising on environmental and safety compliance
- Defending clients in connection with regulatory investigations and prosecutions
- Carrying out focused and effective environmental due diligence
- Drafting and negotiating specialist environmental contract provisions.

All our environmental lawyers are full time professionals in these areas, and our clients benefit from the depth of regulatory experience which they bring. Businesses face increasing regulatory and public pressure to address and report on the environmental impact of their operations, often in multiple jurisdictions.

Our clients benefit from a UK environmental practice that has in-depth experience not only in traditional areas of environmental and safety law such as waste management, pollution control and health and safety, but also in developing areas of legislation concerning climate change, renewables and sustainability.

Environmental issues, by their nature, do not respect borders or regional boundaries. Our clients benefit from the global perspective and insight that comes from our unparalleled environmental experience globally. We can add value to your business by offering environmental law proficiency and experience on a cross-border basis, involving our lawyers from several jurisdictions.



# Waste

Dentons has been a market-leading waste regulatory practice in the UK for many decades. We act for a number of leading national waste management companies, advising on permit compliance, liability management and regulatory enforcement. We have been involved in leading UK and European waste cases. We are members of and work closely with the Environmental Services Association (ESA) and the Chartered Institution of Wastes Management (CIWM). We also participate in the regulatory committee for the Environmental Services Association, the waste sector's main industry body.

Clients include: Renewi (formerly Shanks), Grondon, Hills Group Limited and the Salvation Army.

- Advising on waste regulatory matters relevant to operations, including in relation to a Mechanical Biological Treatment (MBT) Plant.
- Participating in the regulatory committee for ESA, the waste sector's main industry body.
- Challenging Environment Agency enforcement action taken at UK waste management sites, including landfill sites and transfer stations.
- Advising in connection with environmental legislation, including liaison with Environment Agency on compliance issues.
- Advising on waste law issues associated with the collection of donated clothing by charitable bodies. Review of the relevant case law and EU and national legislation on discarding and the definition of "waste", and strategic advice on regulatory issues.
- Negotiating a complex enforcement undertaking with the Environment Agency in connection with a waste site, as an alternative to criminal prosecution.



# Oil and Gas

Our market leading Environment & Safety team is integrated into the Firm's Energy practice, one of the largest and most highly regarded energy practices in the world. This gives us a particular strength in the energy sector. The team is active in oil & gas, advising companies in connection with both exploration and production and downstream activities. The team has been involved in nationally significant oil and gas transactions, including the sale of major portfolios of downstream assets such as petrol stations and refineries, and the acquisition of upstream assets in multiple jurisdictions.

Clients include: World Fuel Services, Total Lindsey Oil Refinery Limited, Total UK, Perenco, Centrica Storage, PwC and Total Raffinage & Marketing.

- Advising on a range of environmental issues, including compliance, corporate structuring, responding to regulatory investigations and enforcement action, environmental permitting, and the environmental aspects of business sales and purchases.
- Advising in relation to environmental compliance matters at a UK oil refinery. Work included advising on the application of the Landfill Directive to landfill closure requirements, the Industrial Emissions Directive and its impact on emissions limits at the refinery, and the application of waste management law on refinery operations.
- Advising on all environmental and safety aspects of the company's pioneering investment in UK shale. Our role included the delivery of advice on the contractual documentation in place for this shale play. We also gave detailed regulatory advice relating to the complex set of environmental and safety regulations which govern onshore shale projects.
- Advising on the acquisition of Gulf African Petroleum's (GAPCO) downstream assets in Kenya, Uganda and Tanzania from Reliance Exploration and Production DMCC. Assets included two logistics terminals (Mombasa, Kenya and Dar es Salaam, Tanzania) and a retail network of approx. 100 service stations.
- Advising on all environmental and safety aspects of the administration of Petroplus, principally in connection with the closure of refinery operations at and sale of Coryton and the sale of the Teeside terminal site.
- Advising on issues arising under insolvency law for the administrators when operating a high hazard installation.
- Advising on the disposal of a downstream retail business to Rontec. Work included preparing a vendor due diligence report on HSE matters, drafting bespoke HSE provisions in the sale agreement, advising on contractual negotiations including discussions on HSE liabilities, co-ordinating the transfer of more than 1000 environmental permits, and advice on residual liability issues post completion.
- Advising confidential upstream oil and gas exploration and production company in relation to its crisis management policy and procedures. Work involved analysis of recent crisis; delivering legal workshops with senior management team; drafting crisis response policy and corporate plan; delivery of workshops and briefing sessions to senior level management and board members.
- Advising an oil and gas major in connection with Greenpeace's judicial review of DECC's decision to licence deepwater drilling following Deepwater Horizon. Work included reviewing and advising on merits of claim and strategic options for client.
- Advising oil and gas company in connection with Environment Agency investigation following significant onshore hydrocarbon spillage in the UK causing environmental damage within protected area of outstanding natural beauty. Work included detailed advice on production of internal investigation report.

# Insurance



We advise both insurers and those seeking environmental insurance.

Clients include: AIG, QBE Insurance (Europe) Limited, Highways Agency and Ironshore.

- We advise on environmental claims brought under environmental insurance policies; and underwriting of specialist warranty and indemnity insurance policies on acquisitions (where the insurer underwrites the environmental warranties).
- Advising various leading UK specialist insurance providers during the last 10 years with drafting the terms of their Environmental Impairment Liability and other specialist

environmental insurance policies. Work has included detailed reviews of individual draft policies and detailed advice on UK environmental liability regimes.

- Reviewing and advising on environmental coverage on European Premises Environmental Liability Policy.
- Advising on environmental liability insurance in connection with the M25 DBFO project.
- Advising US insurer on UK environmental liability regimes in relation to drafting pollution-policy wording appropriate for the London market.
- Advising on the procurement of Environmental Impairment Liability insurance for the

Paddington Central development project. Work included liaising with various UK environmental insurance providers and comparing terms of a range of policies.

- Advising the water industry research body UKWIR in connection with the implications for the water industry of the Environmental Liability Directive. The role included working with insurance brokers to deliver advice on environmental insurance for this new area of liability.

# Chemicals

We advise a range of clients in the oil & gas and chemicals sectors on REACH compliance.

- Advising in relation to the global physical trading of crude and products. Advice included REACH registration obligations of the company and counterparties and data sharing within the supply chain.
- Providing advice in relation to various REACH queries in the

context of physical oil trading, including registration requirements, counterparty obligations, liability risks and contractual drafting.

- Advising on obligations in relation to REACH registration (including assistance with the pre-registration of more than 300 substances).
- Advising on REACH compliance obligations to parties off-taking bioethanol, including drafting contractual provisions in off-take and storage agreements.

- Advising on the transfer of existing REACH registrations in the context of a UK refinery. Advice included liaising with the regulator and drafting appropriate contractual provisions.



# Government and Regulation

Clients include: Environment Agency, Greater London Authority (GLA), Department of Energy and Climate Change (DECC), Department of Enterprise, Trade and Investment (DETI), Ministry of Defence (MoD) and Highways Agency.

- Advising the MoD in connection with contamination hostility management, including in relation to radioactive waste issues.
- Advising the Environment Agency in connection with its guidance documents for the CRC Energy Efficiency Scheme.
- Advising GLA on the allocation of environmental risk and long-term remediation plans for the Ford Dagenham site.
- Advising on the environmental law aspects of the Government's pioneering Carbon and Capture and Storage project.
- Drafting the Renewables Obligation Orders for Northern Ireland (NIRO) in 2009, 2010 and 2011.
- Advising on the implementation of the Renewable Energy Directive (RED).
- Advising the Government of Poland in connection with the drafting and interpretation of Assigned Amount Unit (AAU) sale agreements under the Kyoto Protocol.
- Advising on sustainability criteria, drafting conditions and obligations on contractors which impose a contractual framework for sustainable construction.
- Providing Defra funded training including training materials of the use of contaminated land enforcement officers under the Contaminated Land Regime.





# Hotels, Leisure and Retail

Clients include: KSL Partners, Sainsbury's, Waitrose and Argos.

- Advising on the acquisition of the Village Hotels chain for £485 million. The deal included a portfolio of 25 properties comprising 3,100 rooms, plus three additional properties under construction in Aberdeen, Edinburgh and Glasgow.
- Advising in relation to the purchase of a site with various remediation requirements. Work included advising on environmental insurance in respect of historic deep groundwater contamination.
- Advising on the acquisition of a portfolio of 25 luxury hotels, including identifying compliance issues in relation to water discharge, water abstraction, WEEE, waste management, odour complaints and refrigerant gases.
- Advising on the acquisition of a central London hotel, including specific issues relating to the application of energy efficiency minimum standards to several subleases within the hotel, waste management issues and noise complaints.
- Advising UK retail client in relation to environmental law duties relating to discharges to controlled waters in UK.
- Advising UK retail client in relation to product liability and environmental obligations arising in connection with internet sales into multiple European jurisdictions.



# Automotive

Clients include: Marshall Motor Group and Group 1 Automotive.

- Advising on the acquisition of the operator of 30 motor vehicle franchised dealerships across the southern home counties, Wiltshire and Dorset, focusing on environmental liabilities and other environmental due diligence issues in respect of the 43 sites in the portfolio.
- Advising on the acquisition of the operator of 12 car dealerships across the south of England, including contractual allocation of liability for contamination, trade effluent discharges and waste management.
- Advising on the environment and safety aspects of the divestment by a leading automotive retail group of its leasing business.



# Contacts



**Stephen Shergold**

Partner, London

D +44 20 7320 6770

[stephen.shergold@dentons.com](mailto:stephen.shergold@dentons.com)



**Helen Bowdren**

Partner, London

D +44 20 7246 4866

[helen.bowdren@dentons.com](mailto:helen.bowdren@dentons.com)



**Sam Boileau**

Consultant, London

D +44 20 7320 6803

[sam.boileau@dentons.com](mailto:sam.boileau@dentons.com)



**Pamela Coulthard**

Senior Associate, Glasgow

D +44 141 271 5751

[pamela.coulthard@dentons.com](mailto:pamela.coulthard@dentons.com)

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