

# Weightmans - Resources and Waste Expertise

## Why Weightmans?



- We are market leaders when it comes to working with resources and waste clients.
- We have a deep understanding of what the circular economy means for the UK and how we are going to implement the Resources and Waste Strategy.
- We advise clients across the entire spectrum of the waste industry from providing regulatory advice, facilitating the delivery of new waste infrastructure and working with waste operators and local authorities across the full range of waste related agreements.
- We act for a number of well-known public and private sector clients.

## Our services



Our expert team can provide a wide range of services across all aspects of the resources and waste sector providing clients with a single point of contact for any matters relating to:

- Regulatory and Compliance – including permitting, enforcement and waste export.
- Planning - strategic planning advice, permitted development rights, s106 agreements, DCOs and obtaining planning permission.
- Real Estate – title structures, due diligence and drafting and negotiating all property agreements required such as energy centre leases, pipeline leases and easements.
- Project Agreements – drafting and negotiating all project agreements including construction agreements, feedstock agreements, offtake agreements and connection agreements.
- Procurement – end-to-end advice to procuring authorities and operators on the delivery of major projects. Corporate – shareholder agreements, joint venture agreements, share acquisitions and disposals, equity funding arrangements, tax advice.
- Banking and Finance – grant funding, asset finance, project finance, receivables financing, facility agreements, shareholder loans, security documentation.
- Disputes and Risk Management – ongoing contract management, dispute resolution, mediation, arbitration, pre-litigation action.

## Thought Leadership



- We have successfully lobbied for and brought about changes to environmental controls and regulation, including:
  - the introduction of Enforcement Undertakings for offences pursuant to the Environmental Permitting Regulations 2010; and
  - amendments to the Sentencing Council Guideline for Environmental Offences.
- A member of our team is a Fellow of IEMA. He speaks and publishes regularly on environmental issues. He is currently part of the Broadway Initiative – a project lead by IEMA and environmental professionals to support DEFRA in drafting and finalising the new Environment Bill. The group are currently focusing on the development of new targets pursuant to the Bill.
- We write a regular column for the CIWM journal.

## Tech based solutions



We are developing a range of tech based solutions to help our clients effectively manage risk around their operations:

- Audit comply - Enables clients to effectively manage the compliance aspects of the business – policies, permits and other regulatory requirements.
- Incident response reporting app – Developing an app for use by clients to enable the secure and consistent reporting of incidents (environmental, health and safety).
- Waste tracking portal – A number of our clients have experienced difficulty in being able to track waste shipments – we are developing a portal that enables operators to effectively track and monitor such shipments until they are 'recovered' and no longer regulated.
- Real estate management tool – enables the management of multiple assets via a cloud based system to facilitate work with your external legal provider.

## Training to managers and directors



Examples recently provided to clients includes:

- Environmental offences – the consequences
- Waste duty of care
- Waste regulation and controls
- Environmental permitting
- Transfrontier shipment of waste controls

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## Recent work examples:

- A household name company - Advising on an end of waste judicial review claim against the Environment Agency. The circular nature of the client's operations means the material in question should not be considered waste for part of its life cycle. The EA do not agree with this approach/interpretation and the matter is currently before the courts.
- Advising on the £30m disposal of a waste operator that provides services to the public and private sector.
- Advising on the acquisition of two waste operators (£20m and £5m) for an investor looking to develop an EfW portfolio.
- A well-known infrastructure company – Advising on the surrender of two permits for closed landfill sites. The process is complicated due to the rigid nature of the surrender process and the historic nature of the landfill sites.
- A top 5 UK waste company - Advising on its landfill disposal programme. The transactions are complex as they involve the consideration of complicated environmental liability programmes and the transfer of environmental permits.
- A top 5 UK waste company - Advising on the construction of contracts for a 30 MW EfW.
- A top 5 UK waste company – Advising on a dispute with the principle contractor concerning the construction of an EfW and the subsequent insolvency of the contractor.
- A contractor - We act for and advise on the clearance of illegally dumped waste.
- A number of clients' subject to investigations and prosecution by the EA, NRW and SEPA - Acting in relation to alleged breaches of environmental controls.
- A number of clients - We have negotiated multiple enforcement undertakings on behalf of our clients.
- An operator on the development of a 12 MW EfW plant – As sole advisor our role to date has included advising on all aspects of the project from planning and permitting to funding and technology procurement.
- A FTSE100 household name client – Advising on its waste duty of care obligations relating to its activities at numerous sites across the UK and also the interaction of those controls with specific food waste controls.
- A number of operators - Advising on the application of the definition of waste and the manufacture of non-waste circular economy fuels for use in the power sector.
- Multiple operators – Acting in relation to allegations of the illegal shipment of waste and dealing with both contractual and regulatory aspects arising from such shipments, including the repatriation and disposal of illegally abandoned waste in foreign jurisdictions. We acted for one of the parties in the one of the largest multi handed prosecutions by the EA in relation to alleged breaches of the TFS Regulations which saw a number of referrals to the Court of Appeal.
- The leading UK exporter of SRF and RDF - Advice in relation to its operations including the associated bonds and contractual requirements.
- Local authorities – Advice on a range of matters associated with their resources and waste related activities including waste procurement projects. Our team have a detailed knowledge of the regulatory framework and the political dimension for example:
  - the impact of Covid-19 on service provision and the operation of HWRCs;
  - the waste and resources strategy and its interaction with the new Environment Bill;
  - the ongoing war on plastic waste and the introduction of extended producer responsibility;
  - the Circular Economy agenda and the likelihood that the EU framework will apply to the UK in the event of a transition agreement resulting from Brexit;
  - the impact of Brexit on the waste export market;
  - the problems now being experienced in the global recyclate markets and the financial pressures this is now exerting on contracts for waste treatment; and
  - the approach of contractors to the very strict enforcement of contract terms where the margins on treatment contracts are now minimal.
- A county council - Advised on the mechanism and process for the withdrawal of recycling credits under the EPA 1990.
- A county council - Advised on the defence of nuisance claims relating to alleged liability arising from closed landfill sites operated by the council from the 1960s-1990s.



**Simon Colvin**  
Partner

DDI: 0161 233 7356  
[simon.colvin@weightmans.com](mailto:simon.colvin@weightmans.com)