



## Juan Lopez

Year of call: 2002

Email: [juan.lopez@39essex.com](mailto:juan.lopez@39essex.com)

Phone: +44 (0)20 7832 1111

*"A driven and incisive advocate."* (The Legal 500 UK Bar)

*"Particularly thorough and forensic in his approach, he is highly focused, diligent, confident and concise, and gets right to the heart of the issues."* (The Legal 500 UK Bar)

*"...accessible and tenacious practitioner who has achieved some spectacular results."* (The Legal 500 UK Bar)

*"He understands the client's needs and is very thoughtful, considered and calm when in conference with clients"* (Chambers and Partners UK Bar)

Juan is a specialist in all areas of infrastructure and planning, and in construction, environmental and related commercial claims, disputes, and regulation, with particular emphasis on the energy, transportation, building, waste/recycling and mining/extraction sectors. He has extensive experience across the full breadth of compulsory purchase and valuation/compensation law, minerals, land contamination, highways, and related property, as well as agriculture. He also advises on environmental taxes/levies, including in the areas of energy efficiency, landfill and climate change. Beyond his advocacy, he has a heavyweight litigation and advisory practice, and is instructed in international, high value multi-jurisdictional disputes, often working as part of a multi-disciplinary team, commonly for majors, operators, contractors, private clients and professional teams. He appears before the courts, in inquiries and arbitrations, and examinations. He is ranked as a Leading Junior by Legal 500 UK and Chambers and Partners UK. He also acts in commercial ADR and is an accredited mediator. He is a contributor to leading infrastructure, construction, energy and environmental legal practitioner texts.



## Areas of expertise

### Planning

- Development Consent Orders and Infrastructure
- Compulsory Purchase and Compensation

Energy and Natural Resources

Construction, Engineering and Infrastructure Disputes

Environment

Commercial

Property

## Environment

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Juan is ranked as a Leading Junior by Legal 500 UK and has a heavyweight environmental law practice, advising on all commercial aspects of environmental and development consenting and permitting, rights and regulation (especially in the energy, waste and recycling, and flood-related sectors). He has considerable experience of all major environmental designations, net zero and climate change implications, tidal and coastal defence, riparian rights, water and sewerage, land contamination, pollution controls and nuisance, air quality, marine protection, biodiversity and habitats, and SEA/EIA, in conjunction with high value disputes and enforcement. He is commonly instructed in response to initial investigations or enforcement by the EA, or to formal demands of international regulators or partner NGOs. He commonly acts for largescale energy-from-waste and recycling operators, and product processors in connection with high value controlled waste seizures and compulsory repatriations within/from jurisdictions including US, EU, Southeast Asia, UAE and Saudi Arabia, and West Africa. He advises operators, controllers and transporters on their commercial exposure, often involving the WFD waste hierarchy, processing and management best practices, the regulation of incineration and gasification recycling. Carbon capture and storage-related disputes are a developing area of Juan's practice. He writes and lectures widely (UK North Sea Transition Deal 2021; British Energy Security Strategy 2022; Waste and recycling; the future of anaerobic digestion; the net zero drive) and is a contributing editor to a leading legal text on net zero.

### Cases include:

- **Oil and Gas:** Advising on offshore consent revisions for North Sea drilling rig fields, considering EIA (Sch.1 and Sch.2, Regulations 2020; OPRED Guidance 2021) and FDPs with regard to phased infrastructure, consented baselines, production forecasting and cumulative assessment; GONPA.
- **Energy from waste:** Advising facility operators, recycling and incineration plant operators (Kent, Suffolk, Norfolk, Devon), including on facility capacity for gas capture and digestion processing.
- **Product and waste recycling, treatment and processing:** Advising a US materials recovery operator in connection with waste/non-waste status of battery chemical intermediate (when viewed as a product or by-product), in connection with high value EU-UK importation, recycling treatment and processing obligations (WFD and REACH classifications and US carrier controls); Acting for a reprocessor in High Court (injunction/other) proceedings upon suspension of accreditation under the Packaging Waste Regulations 2007; Advising on application of waste duty of care (s.34 EPA 1990) in connection with sewage waste broker and carrier transfer and disposal responsibilities.
- **Transfrontier shipments, seizures and repatriations:** US, EU, Southeast Asia, UAE and Saudi Arabia, and West Africa jurisdictions.
- **Commercial waste collection and disposal services:** Advising operator on actionable contravention of 'polluter pays principle' with regard to s.17 EA 2021 and Part II EPA 1990 levy duties and powers and overlaying competition law obligations ([2023] CAT 50, considering *Western Riverside Waste Authority v Wandsworth BC* [2005] EWHC 536) in connection with business loss caused by public sector-run waste services; Interrogation of waste collecting pricing schemes and waste and resources action programming calculations.
- **Tidal and flood defence/flooding:** Tidal and flood defence/flooding: Advising landowners (Isle of Wight; Southsea, Weymouth) on WFD assessments for coastal water activity/subtidal relief/mussel bed preservation, liabilities arising from implementation of strategic defence plan scenarios,

consultation, (private and public) flood defence EIA, and defence failures; Advising Cheddar Gorge & Caves on flood and erosion liabilities.

- **River works:** Advising NEC 4 contractor undertaking river wall reinforcement works on consenting and licensing (including under Water Resources Act 1991) under a construction programme necessitating mid-river use of crane and barge for piling and anchoring. Advising a licensee on environmental duties/obligations in connection with river dredging and embankment reconstruction. Advising statutory body on vibratory and wider disturbance impacts to river bed from bridge reinforcement works.
- **Marine consents:** Advising landowners on hydrology impacts of development, discharge consenting from waste releases, marine licensing and modelling.
- **Office for Environmental Protection:** Acting for contractor in complaint to OEP for 'serious' environmental law non-compliance by a public body, for withholding a civil liability indemnity from the contractor in connection with instructed embankment works.
- **Environmental damage and remediation:** Advising agricultural enterprises on actionable claims arising from flooding arising from pump and irrigation failures; Advising turf manufacturer on actionable claim from flooding damage; Advising on sewage effluent discharge modelling.
- **Land contamination:** Acted for licensee of iconic UK sport venue in connection with high value liability/remediation Part IIA EPA 1990/ Control of Asbestos Regulations 2012 claim, for buried and excavated asbestos, arising in connection with consortium owner redevelopment; Acted for claimant landowners and contractors in substantial leachate contamination claims (various); Advising leaseholder on remediation duties in relation to large soils and groundwater contamination.
- **Soil:** Advising major UK horticultural hub on estate-wide soil classification, enrichment, and a business viability appraisal on hail risk in conjunction with redevelopment.
- **Environmental due diligence and scoping:** Advising various prospective purchasers on due diligence matters preceding estate acquisitions; Advising on Environmental Statement scoping in respect of wide range of development.
- *EA v Hughes* [2014] EWHC 2484 (QB): Acting for recycling facility operator, resisting EA enforcement of site clearance and combustible waste disposals.
- *R (oao Save Britain's Heritage) v SSCLG and Gateshead MBC* [2010]: Lawfulness of prior approval; meaning of 'demolition' in EIA development; asserted 'salami-slicing' of phased Bridging Newcastle Gateshead regeneration project.

Juan also advises in First-tier/Upper Tax Tribunals proceedings in connection with environmental taxes (quarry/mining), exemptions and allowances; Landfill tax assessment appeal of [£2m+ value]: First-tier Tribunal (Tax) [2022]: quarry 'no taxable disposal' exemptions; Landfill tax assessment and penalty appeal [£5m+ value]: First-tier Tribunal (Tax) [2020]: LOI testing, cell buffer layering, temporary infrastructure off-setting, and 'no taxable disposal' exemption; hardship certification.

## Recommendations

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Commentaries in The Legal 500 UK Bar and Chambers and Partners UK Bar, say:

- *"A driven and incisive advocate"* (The Legal 500 UK Bar [2024])
- *"A junior with a forensic approach to cases."* (The Legal 500 UK Bar [2024])
- *"Juan has an unfathomable ability to rapidly understand complex issues and provide a clear way forward, and is a pleasure to work with"* (The Legal 500 UK Bar [2024])
- *"He understands the client's needs and is very thoughtful, considered and calm when in conference with clients"* (Chambers and Partners UK Bar [2024])
- *"Particularly thorough and forensic in his approach, he is highly focused, diligent, confident and*

*concise, and gets right to the heart of the issues.” (The Legal 500 UK Bar [2023])*

- *“Very professional and diligent. A highly skilled advocate and able to turn the tables from friendly to challenging cross-examination at a moment’s notice. Uses his experience to open up unforeseen opportunities during cross-examination. A real future star QC.” (The Legal 500 UK Bar [2023])*
- *“Robust. Well-organised. Great presentation.”*
- *“...a force in matters concerning climate change, flood alleviation, coastal defence schemes and ecology.”*
- *“...commercially aware...extremely professional and diligent.”*
- *“...accessible and tenacious practitioner who has achieved some spectacular results.”*
- *“Very knowledgeable, concise, proactive and user friendly.”*
- *“...a tenacious advocate who really fights his corner.”*

## Memberships

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- Society of Construction Law (SCL)
- Technology and Construction Bar Association (TECBAR)
- National Infrastructure Planning Association (NIPA)
- UK Environmental Law Association (UKELA)
- Compulsory Purchase Association (CPA)
- UK Environmental Law Association (UKELA)

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### London

81 Chancery Lane,  
London  
WC2A 1DD  
Tel: +44 (0)20 7832 1111  
DX: London/Chancery Lane 298  
Fax: +44 (0)20 7353 3978

### MANCHESTER

82 King Street,  
Manchester  
M2 4WQ  
Tel: +44 (0)16 1870 0333  
Fax: +44 (0)20 7353 3978

### SINGAPORE

Maxwell Chambers,  
28 Maxwell Road,  
WC2A 1DD  
04-03 & 04-04, Maxwell Chamber  
Suites  
Singapore 069120  
Tel: +65 6320 9272

### KUALA LUMPUR

#02-9, Bangunan Sulaiman  
Jalan Sultan Hishamuddin,  
50000 Kuala Lumpur,  
Malaysia  
Tel: +60 32 271 1085

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clerks@39essex.com • DX: 298 London/Chancery Lane • 39essex.com