

LITIGATION, PLANNING INQUIRIES & CONTRACTUAL CLAIMS

Reference: CS-19

Partners and senior staff at GWP have the necessary skills and experience to prepare and present expert evidence relating to the geological, hydrogeological, geotechnical, mining and operational aspects of litigation, planning inquiries and contractual claims relating to the extractive industries.

These skills are supported by analytical and modelling computer packages including DATAMINE, LSS, Manifold and AutoCAD and other proprietary and in-house programs for data storage, slope stability analysis, subsidence computing and blasting effects analysis. The Practice has acted for mineral operators, mineral owners, mineral planning authorities and those affected by past or present mineral workings. All work for mineral planning applications is prepared with a possible eventual Public Inquiry in mind.



Services GWP provide include:

- Appraisal of documentation, including technical literature and providing objective advice to the client in respect of the technical strengths and weaknesses of the case.
- Site investigations, analyses & interpretation of data.
- Preparation of experts' reports & proofs of evidence.
- Liaison with lawyers, including attendance at conferences with Counsel.
- Attendance at experts' meetings.
- Appearances at planning inquiries, courts, arbitration hearings, contractual negotiations and public meetings.

The Practice has developed particular expertise in the assessment of methods of working and scheduling, geotechnical instability, diggability and blasting practice which are all common areas of dispute in surface mining operations. GWP has also developed additional specific expertise in the behavior of quarried or processed materials during transportation on bulk carriers and in the hydrogeological characterization of sites relating to derogation claims, subsidence and contamination plumes and regularly advises on geological and hydrogeological conditions for major planning enquiries. In many cases, the Practice has assisted in attempts to avoid recourse to the courts.



Selected experience

- Computation of subsidence displacements and strains due to coal mining beneath a landslip. Dr. Alan Cobb, Senior Partner, acted as an Expert Witness at a Lands Tribunal, and successfully demonstrated that coal mining was instrumental in re-activating the landslip.
- Expert support to two raw materials quarries in Croatia relating to local and national legal challenges and local spatial plans which compromised future viability of the sites and dispute resolution support, facilitating communication between the operator and local communities on environmental performance issues.
- Expert determination of a dispute between two aggregates companies. Independent binding determination of a number of disputes relating to the valuation of several operating units forming part of a minerals company sale of assets.
- Analysis and interpretation of hydrogeological data used successfully as evidence in a case against a regulatory body in a claim that a farm water supply had been derogated by the construction of a deep road crossing across farm land.
- Expert evidence to arbitrations relating to quantities of coal available to work as compared to the amount represented in contract documents, groundwater ingress and management, slope stability and unforeseen ground conditions, in UK opencast coal mines.
- Expert determination of the price payable for coal provided under contract in Indonesia; expert determination of the price of coal supplied by a Chinese party to an Indian client.



Key contact

For details and to discuss your requirements, please contact the following:

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