



# Rowan Planterose

**Year of Call:** 1978

**Solicitor:** 2004

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## Overview

Rowan Planterose joined 3PB's Construction & Engineering team in April 2019, after a long career with DAC Beachcroft.

Rowan specialises in complex construction and engineering disputes, and sits as an arbitrator and adjudicator, mediator, expert or dispute board member. Much of his work comes from his panel appointments by RICS, TeCSA, RIBA and party and chair appointments on LCIA and ICC arbitrations. He is particularly known for international arbitration work, which has included Investment Treaty arbitration and has been rated in Legal 500 over recent years for international arbitration.

The majority of Rowan's work is within the energy and engineering field includes oil refining and drilling and chemicals production, power generation from coal, oil, gas, waste and oil shale as well as structural, civil (including road building and tunnelling), mechanical and electrical, power generation, sewage disposal and hazardous waste disposal, food processing, railways, telecommunications, dredging and marine construction.

A Chartered Arbitrator, Solicitor and Barrister, Rowan is the co-author of "The Arbitration Act 1996: A Commentary", a leading textbook on the 1996 Arbitration Act (5th edition 2014, 6th edition in preparation) and author of the adjudication section of Bernstein's Handbook of Dispute Resolution.

Rowan is a frequent speaker/seminar course director on international arbitration and adjudication, mostly on behalf of RICS and CI Arb. Formerly head of the exam board for CI Arb, Rowan ran a Special Fellowship course in International Arbitration for CI Arb. He is a regular speaker at Arbrix (RICS CPD for arbitration and adjudication) and in 2019 is the course director for Diploma courses in UAE and South Africa in International Arbitration for RICS. He also chaired a regular two-day workshop on the FIDIC international engineering contract. He remains an examiner for RICS Diploma courses in arbitration and adjudication and is external examiner for Leeds Beckett University's MSc Course in Construction law and Dispute Resolution.

## Academic qualifications

Eastbourne College

Downing College, Cambridge University, M.A. in Law (First Class Honours) LL.M (formerly LL.B)

## **Professional qualifications & appointments**

Chartered Arbitrator, 2002

Fellow of the Chartered Institute of Arbitrators, 1992

Solicitor, 2004

Barrister, 1978

## **Professional bodies**

Middle Temple and Gray's Inn

International Bar Association

Chartered Institute of Arbitrators

Society of Construction Law

Society of Construction Arbitrators (Honorary Secretary 2016–present)

International Arbitration Club (London)

Adjudication Society

Dispute Board Federation

Dispute Resolution Board Foundation

Honorary member of Arbrix (RICS Dispute Resolution)

Member of arbitrator / adjudicator panel, Arbrix (RICS Dispute Resolution)

Member of adjudicator panel, TecSA (Technology Solicitors Association), Mem

ICCA (International Council for Commercial Arbitration)

# Expertise

## Neutrals - Arbitrators

Rowan is a busy arbitrator who sits regularly as sole arbitrator (mostly domestic matters) or as part of a panel of three (mostly international matters).

He is a member of many panels including RICS Construction panel and (2015) Construction and Engineering Service panel, Lloyds insurance, Railway Industry (RIDR), Vienna Chamber of Commerce, Cairo Regional, CAM Santiago. Regular experience as member or chair of ICC, LCIA and other international tribunals including occasional AAA.

Recent and past work has included:

- Advising and representing a large US contractor in a mediation and subsequent international arbitration (LCIA) arising out of a power station refurbishment project in Estonia.
- Advising a US engineering group on a number of significant international arbitrations including representation in an arbitration in Milan arising out of a motorway project in Romania. The arbitration was subject to UNCITRAL Rules. Separately, representation in ICSID arbitration proceedings (including a hearing in Paris regarding jurisdiction of the arbitral tribunal) arising out of failure of a dyke in Jordan (built as part of a potash recovery project) and governmental failure to resolve the dispute by ICC arbitration as contractually contemplated.
- Representing a different US Engineering Group on a number of significant international disputes including the settlement of a major dispute (in advance of the commencement of arbitration) arising out of works to construct a sewerage system and treatment plant in UAE.
- Advising a Toronto-listed company on a mining dispute in Botswana (Contract subject to arbitration).
- Advising and representing a Canadian quoted company on arbitration proceedings brought by a Spanish company in Spain arising out of the supply of equipment for a Bioethanol production plant.
- Acting for an Italian/German joint venture against the Pakistan state entity: Dispute Review Board proceedings and ad hoc arbitration in Pakistan. (Hydro-Electric power station project). Subsequent investment treaty proceedings commenced before ICSID, but settled before substantive hearing.
- Representing a Belgian dredging company in ICC arbitration in a dispute arising out of the preparation of the site for the Sochi winter Olympics in 2014.
- Sitting as sole arbitrator in connection with a dispute arising from a major office project in London. (Dispute involved more than 250,000 documents) and 7 awards.
- Sitting as party appointed arbitrator (3 person tribunal) on dispute arising between two medical schools in USA under AAA/ICDR Rules in respect of warranties given in respect of condition of buildings on sale of facility.
- Sitting as sole arbitrator in manufacturing dispute under LCIA
- Sitting as party appointed arbitrator in dispute between Chinese main contractor and Syrian sub-contractor in respect of power and desalination plant in Saudi Arabia under ICC Rules.
- Sitting as sole member of Conflict Avoidance Panel in respect of rail infrastructure dispute
- Sitting as adjudicator in respect of termination of M & E contracts on prestigious project to construct new 50 floor hotel/office tower complex in central London
- Sitting as chair of ICC panel of arbitrators in dispute between Romanian contractor and Yemeni employer in respect of payment and alleged defects out of a hospital project in Aden
- Acting as counsel for employer in substantial arbitration arising out of claims for additional remuneration by a dredging company from incidents in the course of a dredging project in Australia
- Acting as counsel in a long running arbitration on behalf of the concrete subcontractor constructing bridges on a major road project in the east of England arising out of delays and variations to the works

- Acting as counsel in two arbitrations arising out of the construction of a shopping mall in north England, the second hearing lasting 8 weeks. The claims concerned delays and variations to the project
- Sitting as sole arbitrator in connection with alleged design and safety defects, and delay claims, arising out of construction of a new power station in north east England
- Sitting as party-appointed arbitrator in power station dispute (3 person tribunal) arising out of project in south-east Asia (delay claims)
- Sitting as sole arbitrator in three party case (rail operators and infrastructure maintainers) to determine responsibility for major rail accident in UK, and respective proportions in which parties should bear third party damages claims
- Sitting as party appointed arbitrator (ICC Arbitration in Paris, 3 person tribunal) arising out of supply of agricultural equipment to Sudan

## Neutrals - Adjudicators

Rowan acts regularly as an adjudicator. He is a member of the RICS construction adjudication panel, TecSA panel, RIBA panel, standing adjudicator for railway industry RTI/A contract, and (formerly) channel tunnel rail link (CTRL phase 2).

Recent cases include :

- Sitting as adjudicator in two major rail industry disputes in connection with provision of a new radio system for the London Underground system, and the construction of the St. Pancras terminal of the new high speed rail connection with Channel Tunnel. Both disputes involved contracts in excess of E500m.
- Sat as a construction adjudicator (sole appointment) more than 30 times in the last 5 years, writing reasoned decisions, some of them being large scale and one adjudication involving 5 months consistent work.
- Sitting as adjudicator on a 6 month long final account adjudication arising out of office block refurbishment in London. Many thousands of documents involved.

## Neutrals - Dispute Board Members

Rowan acts as an expert or a member of a dispute review or adjudication board (e.g. FIDIC) to make binding or non-binding decisions or recommendations, outside normal formalities of Arbitration Act or adjudication process.

## Construction and engineering

Rowan is a prolific solicitor-barrister-arbitrator/adjudicator who has acted as counsel in over 250 cases in the High Court or in arbitration. Many cases in his early career were loss and expense claims arising out of variations or other causes of delay or construction and engineering projects, or defects claims. He acted variously for contractor, employer or consultant.

For instance, Rowan acted, based in Belgium, over several years for Bombardier in Euro 300m claim arising out of construction of Channel Tunnel and its associated trains involving preparation of disputes documentation arising out of delay to project and variations, presentation to client and ultimate settlement on eve of proposed commencement of litigation.

Whilst he used to represent clients in proceedings, over the years Rowan has increasingly acted - and now exclusively works - as an arbitrator, adjudicator, expert or dispute board member.