



ENERGY, NATURAL RESOURCES AND UTILITIES  
INTERNATIONAL ARBITRATION  
CONSTRUCTION, ENGINEERING AND  
INFRASTRUCTURE  
INFORMATION TECHNOLOGY AND  
TELECOMMUNICATIONS  
ARBITRAL APPOINTMENTS

## David Streatfeild-James QC

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### PRACTICE

David Streatfeild-James acts as an advocate, adviser and arbitrator in high-value commercial cases comprising legally, factually, and technically complex issues. During 30 years of practice he has gained an outstanding professional reputation.

In acting for a wide range of clients relating to infrastructure projects worldwide, David's scope of experience encompasses the fields of construction and engineering, energy, information technology and professional negligence.

Experience includes disputes under most standard construction contracts and forms, on and offshore fabrications, power and renewable energy projects, water treatment and waste plants, soft and hardware computer systems, and control and communication systems.

David also has expertise with financing and service agreements, and PFI / PPP contracts.

David has been recognised in Chambers & Partners (UK, Asia-Pacific and Global) and The Legal 500 as one of the leading silks at the commercial bar. He was named Construction and Energy Silk of the Year in The Legal 500 UK Awards 2020, and Chambers & Partners named David as one of its 25 Stars at the Bar in its 2020 UK Bar Guide.

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### ENERGY, NATURAL RESOURCES AND UTILITIES

David is regularly instructed to provide advice relating to the conduct of major energy-related projects including on and offshore fabrications, FPSOs, jack-up rigs, platforms, pipelines, power and renewables including wind, nuclear and carbon capture schemes, and water treatment and waste plants.

Recent examples include:

- Acting for **MT Hojgaard AS in MT Hojgaard AS v E.ON Climate and Renewables UK Robin Rigg East Ltd & Anor** [2017] UKSC 59 in the UK Supreme Court in 2017. The case concerned the failure of offshore wind farm foundations due to international design code failure. The case was extremely high-profile in offshore industry as well as the legal sector in regard to the design liability issues it examined.
- Acting for the defendant, **Hitachi Zosen Inova AG, in the TCC in Interserve Construction Ltd v Hitachi Zosen Inova AG** [2017] EWHC 2633 (TCC) in a case concerning a waste-to-energy plant in Hartlebury, Worcestershire.
- Acting for a Korean contractor in an ICC arbitration arising from a turnkey engineering, procurement and construction contract.
- Acting in respect of a gas and steam turbine power plant in the Middle East.
- Advising an employer under an NEC3 contract for the design, procurement, construction, delivery and commissioning of a boiler park at a nuclear licensed site. The project is a key part of the decommissioning process at the nuclear facility.
- Advising in relation to disputes arising during the course of the construction of a new GGCT power station by an international engineering contractor, in particular in relation to ground condition risk, liability for industrial relations disputes and claims for prolongation, variations, delay and disruption.
- Acting for the owner in an international arbitration hearing in London under LCIA rules concerning the construction of an oil and gas platform in the Far East. Issues in respect of design and engineering, weight growth, miscellaneous variations and the valuation of loss caused by deferred production.
- Advising engineer/contractor regarding the construction of two thermal hydrolysis plants. Instructed in respect of claims brought by energy companies arising from alleged failure to provide and deliver the required volume of qualifying services which would generate Community Energy Saving Programme Points pursuant to The Electricity and Gas (Community Energy Saving Programme) Order 2009; an obligation for reducing carbon emissions in domestic properties.
- Advising claimant regarding a civil engineering building works for a new waste-to-energy treatment facility in the UK. The contract is based on the Yellow FIDIC Book.
- In the Technology and Construction Court acting for claimant providing engineering, construction management and procurement services to the mining industry regarding the mining of phosphate deposits in West Africa.

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## INTERNATIONAL ARBITRATION

Many of the matters David advises and acts upon are governed by the rules of arbitration, administered by bodies including LCIA, ICC, SIAC and ad hoc rules.

- Appointed as leader on counsel team of seven, acting for a major IT company in an ultra-high value dispute (claims in excess of £1 billion) against the UK Government relating to a software

system that culminated in an 82 day arbitration, involving the cross-examination of over 80 professional and lay witnesses.

- Acting in an ICC arbitration (Singapore seat) regarding the manufacture of plant and machinery for the making of seamless metal tubes in a brownfield project dispute arising out of the upgrade of a plant in India.
- Acting for a Korean contractor in an ICC arbitration dispute between an engineering and construction company, and a power company in relation to a gas and oil-fired combined cycle electric generation plan in Jordan.
- Acting in LCIA arbitration concerning the world's largest offshore wind farm in construction, involving the installation by a joint venture of 140 3.6 MW wind turbines located around two sand banks off the UK coast.
- Acting for the owner in an international arbitration hearing in London under LCIA rules concerning the construction of an oil and gas platform in the Far East. Issues in respect of design and engineering, weight growth, miscellaneous variations and the valuation of loss caused by deferred production.
- Acting on behalf of a foreign government in respect of a multi-million-pound ICC arbitration regarding a tube tunnel and commuter rail mass transit system.

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## CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE

David has extensive experience of acting for employers, contractors, sub-contractors and consultants both domestically and internationally, and has acted in connection with projects all over the world. His experience includes disputes on most standard forms, in relation to a wide range of projects, including hospitals, shopping arcades, large scale residential and mixed-use developments, roads, tunnels, bridges, railways, docks, jetties and other infrastructure. More recent examples include:

- Acting for Connect Plus (M25) Limited (a joint venture between Balfour Beatty, Skanska, Atkins and Egis) in a £100 million dispute in the TCC arising out of payment provisions in £6 billion 30-year PFI DBFO Contract for operation of the M25 motorway, **Connect Plus (M25) Ltd v Highways England Company Ltd** [2018] EWHC 140 (TCC).
- Representing contractor in multi-million-pound PFI dispute concerning claims of defective highway works against local authority. A 16-week trial from January 2016 in the Manchester Technology & Construction Court.
- Led a multiple counsel team in the London Technology & Construction Court regarding a project agreement between a city council and a contractor in respect of PFI works relating to the rehabilitation, maintenance, management and operation of the roads and street lightning in that city. Issues principally regarding payment deductions levied for allegedly defective works.
- Acting for state-owned corporation in an ICC arbitration regarding major infrastructure works package in a Middle East mixed-use development.
- Lead counsel on claim brought in the Technology and Construction Court regarding design and works in respect of a city centre guided travel system.
- Advising main contractor on a project governed by a JCT contract and contractual performance

issues on a city centre tower.

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## INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

David has significant experience of disputes concerning technology of a number of kinds and has acted in relation to computer hardware/software disputes as well as in connection with different sorts of communication systems, control systems and building management systems. Experience includes the following:

- Appointed as leader on counsel team of seven, acting for a major IT company in an ultra-high value dispute (claims in excess of £1billion) against the UK Government relating to a software system that culminated in an 82-day arbitration, involving cross examination of over 80 professional and lay witnesses.
  - Acting for the defendant in an IT contract dispute in a claim for damages totalling approximately £186 million against The Secretary of State.
  - Advising on a possible judicial review of a marine licence for the installation of a subsea fibre optic cable.
  - Advising on a dispute with the UK Ministry of Justice in respect of a failure to deliver agreed milestones and of a breach of contract concerning the provision of services in respect of the Criminal Justice Systems Exchange.
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## ARBITRAL APPOINTMENTS

Whilst the majority of David's practice encompasses counsel appointments, he also accepts arbitral appointments (party nominated and chair) and has recently been appointed under LCIA, ICC and ad hoc rules. The subject matters covered include construction and engineering, IT, shipbuilding, energy, professional negligence and more general commercial disputes.

Subject to confidentiality sensitivities, further information and specific case examples can be provided upon request.

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## ADDITIONAL INFORMATION

David is an accredited TECBAR arbitrator and DRB member.

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## RECENT RECOMMENDATIONS

*"He is truly magnificent and should be at the top of every shortlist when shopping for a silk, no matter the size or value of the dispute. He is astronomically intelligent, with an ability to grasp both the breadth and the detail of a dispute in short order. He's an advocate of the very highest calibre."*  
Construction, Chambers UK Bar 2020 (Star Individual) and Chambers Global 2020

*"He is absolutely excellent, and in terms of his experience and legal analysis he is fantastic." "He is excellent – a very good advocate."*  
Energy & Natural Resources, Chambers UK Bar 2020 and Chambers Global 2020

*"He combines nuggets of expert evidence and his excellent analysis to produce a spectacular piece of work." "He is good to work with and is quite tough in court."*

Professional Negligence, Chambers UK Bar 2020

*"A fabulous advocate who has the rare ability to speak to a tribunal or a judge as an equal." "A good eye for detail and a very appealing advocate."*

Information Technology, Chambers UK Bar 2020

*"He is a very polished performer and a fantastic advocate." "He has a very nice manner with the tribunal."*

International Arbitration, Chambers UK Bar 2020

*Instructing solicitors, who value him for the "incredible thoroughness" of his preparation and "an exceptional capacity to get on top of new concepts and to command the detail of his brief," also appreciate a deceptively casual cross-examination style, which "can take a witness to a particular point before they've realised it," and arguments which "carry a lot of weight". "Exceptionally user-friendly, receptive to your point of view and very collaborative."*

International Arbitration, Chambers Asia-Pacific 2020 and Chambers Global 2020

*"He very quickly sees and understands the bigger picture, both from a legal and commercial point of view."*

Construction, The Legal 500 2020

*"An absolute star – he gets to the bottom of every case and has an incredible capacity to distil complex legal issues."*

Energy, The Legal 500 2020

*"He is a very good advocate with great skills in cross-examination."*

IT & Telecoms, The Legal 500 2020

*"He is a fantastically good advocate and he really delivers."*

Professional Negligence, The Legal 500 2020

*"He deserves his reputation as one of the best."*

Construction, The Legal 500 Europe, Middle East and Africa (EMEA) 2020

*"His style of advocacy is calm, measured and highly credible."*

Construction, Energy & Infrastructure, The Legal 500 Asia-Pacific 2020

*"Very measured and persuasive and he gets to know a case inside out, so is able to field the most difficult questions." "He has tremendous heritage in construction litigation."*

Construction, Chambers UK Bar 2019 (Star Individual)

*"A fabulous cross-examiner with a great strategic brain and an immense capacity for handling the detail in a case."*

# AtkinChambersBarristers

Information Technology, Chambers UK Bar 2019

*"Gets through immense quantities of material quickly and efficiently, and engages well with judges in tribunals and arbitrations." "He's really on top of the details; if there's a stone that needs turning, he's the man to do it."*

Energy, Chambers UK Bar 2019

*"Very measured and persuasive, and he gets to know a case inside out, so is able to field the most difficult questions."*

Professional Negligence, Chambers UK Bar 2019

*"He has an incredible legal mind and is excellent at cross-examination."*

*"Very clever."*

International Arbitration, Chambers UK Bar 2019

*"Very talented" "Charming to deal with" "A source of "very good, to-the-point and constructive" advice"*

International Arbitration, Chambers Asia-Pacific 2019

*"One of the heavy guns to call when there is a complex, high-value construction dispute."*

Construction, The Legal 500 2019

*"A fantastic trial lawyer with a frightening ability to retain and order information."*

Energy, The Legal 500 2019

*"He is a very intelligent, strategic lawyer, able to deal with highly complex matters very quickly."*

IT and telecoms, The Legal 500 2019

*"Produces compelling arguments always put with extraordinary persuasion and perfection."*

International Arbitration, The Legal 500 2019

*"He can deal with highly complex matters very quickly, and is a bright, intelligent and strategic lawyer."*

Construction, The Legal 500 Asia-Pacific 2019

*"He has a very easy manner and can also quickly understand a client's needs – a helpful blend of skills for a QC."*

Energy, The Legal 500 Asia-Pacific 2019

The above are a selection of recent client endorsements from the leading legal directories, both UK and internationally. For a complete list of endorsements, please contact the practice management team at Atkin Chambers.