



Burges Salmon **Anaerobic Digestion Projects**

Energy and Infrastructure Team of the Year

THE LAWYER Awards 2009



**BURGES
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"The legal expertise, customer focus and quality of service here is equivalent to - and in many cases better than - any London firm."

Chambers UK Guide to the Legal Profession

"...excellent value for money and friendly, pragmatic and thorough advice."

Chambers UK Guide to the Legal Profession

"A national, premier-league firm."

Chambers UK Guide to the Legal Profession

"Burgess Salmon has a dominant position in the renewables and nuclear energy fields."

Chambers UK Guide to the Legal Profession

AD Projects

We are a nationally recognised leader in Energy law winning the Lawyer Energy/Infrastructure Team of the Year in 2009. We are also acknowledged as the country's foremost farming and rural land sector lawyers. We have recently advised on or are currently advising on 12 AD and food waste projects including three Welsh AD Programme projects where we are acting for one of the procuring "Hubs" and have been advising on private sector bids to two other local authority Hubs.

Our experienced team of more than 20 lawyers is able to assist all those working in the renewable energy and land management sector in assessing the risks and understanding the issues which need to be addressed to bring AD and other renewable energy projects to fruition. Our specialists have the experience and knowledge needed to produce commercial and pragmatic solutions for our clients.

We act for landowners, developers, buyers/sellers, contractors, banks and offtakers giving us considerable insight into likely areas of concern.

We advise on the financial support mechanics for renewables projects including the Renewables Obligation, Feed-in Tariff, Climate Change Levy and emissions trading. With the rest of the market we are awaiting further detail on the Renewable Heat Incentive. We are experienced in gas supply and gas shipping arrangements and can advise on the legal issues associated with direct injection of biogas to the gas network.

We provide specialist corporate expertise on renewable energy matters such as sale and purchase of renewables projects, establishment of joint ventures, and bringing new renewable companies to the market. We advise clients on funding options, drawing on our expertise in debt and equity funding arrangements and project structuring to ensure that where relevant there is an appropriate strategy in place to ensure that projects are bankable.

Grid and Power

We understand and have advised extensively on issues surrounding grid connections to distribution networks and the transmission network for renewable and traditional generation projects of varying sizes up to 3,200MW and we guide clients through the process as needed. We are familiar with the contractual documents relevant to different types of grid connection as well as contractual and regulatory issues associated with onsite generation and private wire power sales. We have advised, at each stage of the development process, on grid connection offers, construction agreements prior to acceptance, the acceptance of revised modification offers, the novation of connection agreements and the consequences of terminating grid connections.

We have significant experience in advising on power purchase agreements for the sale of electricity and associated benefits. Our experience includes advising on "direct PPAs" and sleeving arrangements between generators and energy consumers, licensed suppliers and energy traders. We have, as lawyers, led on innovative ways to buy and sell energy, including assisting in the development of power sale and fuel supply structures which can strengthen supply chains and bring developers, food waste/fuel suppliers and power offtakers together.

Spreading to land and PAS110

Our team members advise widely on the existing rules and policies for spreading digestates and nitrate-derived materials to land. Of particular relevance for projects taking farming wastes or using agricultural products as feedstock, our reputation and contacts in the agribusiness sector has enabled us to assist in the setting up co-operative farming groups both for digestate spreading and fuel supply arrangements.



We have experience of the practical implications of acquiring PAS110 as a quality standard and advise clients on the contractual mechanisms for mitigating the technical and operational risks associated with compliance. We have excellent links with the Environment Agency and other experts enabling us to keep up to date with, and advise our clients on the latest developments in this field.

Corporate Affairs/M&A

Our Corporate group covers all aspects of corporate finance work including M&A (public and private), private equity, equity capital markets, corporate reorganisations and joint ventures. The group has acted on a broad range of complex transactions for a number of renewables clients including acting for public and private companies, financial institutions, partnerships, industrial and provident societies and private individuals.

Carbon Law

We have significant expertise in the field of carbon law, carbon offsetting and emissions trading and have advised DEFRA (now DECC) and other public and private sector clients on a range of aspects of the Carbon Reduction Commitment.

The team's experience includes providing advice on the carbon manager agreements for Green StreamCarbon Manager Consortium for trading carbon credits arising from Multilateral Carbon Credit fund set up by the European bank for Reconstruction & Development, advising various manufacturing clients on issues arising in connection with the EU Emissions Trading Scheme and power generation and power consumer clients on Climate Change Levy, exemptions and Climate Change Agreements.

Banking

As one of the most respected banking and finance practices outside London, the team advises clients including corporates, financial institutions and investment and pension funds on a wide range of banking and finance matters. In addition to project finance, we advise on general corporate banking, acquisition finance, structured finance, asset finance, property finance, derivatives and securitisations. We have advised developers on the project financing of a biomass energy plant and wind farms, and advised a lender on the project financing of an in-vessel composting plant. We also have significant experience of advising investors and mezzanine investors on projects, such as wind farm developments and the restructuring of credit facilities for energy facilities.

Property

We have one of the largest property teams in the UK acting for a variety of clients; from private landowners to FTSE 100 corporate occupiers. Our clients include institutional investment funds, banking and financial institutions and property development companies. We act for a number of developers, investors, landowners and funders in the renewable energy projects sector. We have negotiated land deals by means of freehold purchase, option and lease for over 100 energy projects throughout the UK including Scotland, using our Scottish Real Estate team. A number of our property lawyers have a background in finance which enables us to advise clients on the "bankability" of projects from inception.

Construction

Key to many renewable energy projects are construction, procurement and O&M arrangements. We recently advised the developer on the new AD facility at one of the UK's leading agricultural colleges, Harper Adams University College, and our highly recognised team has advised on numerous other renewables plants. The team includes lawyers who are also qualified engineers, giving them a real insight into the concerns of parties to supply chain contracts.

Planning/Permitting

We have one of the leading planning practices in the UK, with substantial experience of renewable energy projects generally, advising renewable energy companies and local authorities on planning issues. We recently successfully appealed the refusal of planning permission for a 0.5MW AD plant in a national park and advised on the subsequent High Court challenge.

We also provide planning and permitting advice work on projects in solar PV, biomass, small hydro and wind, both on and offshore, together with grid connections. Our Planning Unit is unusual in having five experienced planning advocates, which we believe gives an extra edge to our advice, whether or not we are providing the advocacy where matters go to inquiry, and can allow clients to make significant savings by avoiding costs associated with the appointment of external advocates.

Regulatory

We have significant experience with both the development of regulatory frameworks and advice on the impact of working within proposed and existing frameworks. Our team has experience within and outside Government on the development of EU Directives and UK Regulations and includes a member with 10 years' experience within the Government Legal Services. We provide regular advice and briefings for clients on the impact of proposals on policies such as FITs, ROCs and other benefits associated with embedded generation and assist clients in obtaining environmental permits and renewables accreditation as well as challenging unreasonable conditions.

Fuel Supply

We are at the forefront of advising on fuel supply issues associated with AD projects. As well as working extensively in the agricultural sector in setting up landowning producer groups, we also have many years experience of local authority and merchant waste fuel supply arrangements. We have drafted and negotiated the key fuel supply agreements for UK and international fuel supply arrangements for many fuelled renewables projects.

Sustainable Development

Our strength in this area means we are increasingly advising on smaller scale renewables, on-site renewables, and direct power/private wire arrangements. We have advised cooperatives on wind farms and landowners on small scale biomass. We have also been leading on the legal input to the Government's "Green Deal" energy initiative and have advised on ESCO arrangements.

Environment and Health & Safety

EHS issues are assuming an ever greater degree of importance in renewables projects. We are there to support developers on all aspects of EHS compliance and represent clients facing administrative and criminal sanctions. We advise on accidents and fatalities and the development of EHS policies and procedures to mitigate risks.



Why Burges Salmon?

- Energy & Infrastructure Team of the Year – *The Lawyer* Awards 2009
- Environment led approach to renewables sector
- Long term, proven track record in renewable energy projects
- Strong regulatory understanding of the technologies
- Perspective from all industry levels, investor, developers, local authority, infrastructure provider and banks
- Cost effective approach and high quality service
- 20+ strong renewables team

Who to contact



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A list of members, all of which are solicitors, may be inspected at our registered office: One Glass Wharf, Bristol BS2 0ZX.