



# **Burges Salmon** **Renewable Energy Projects**

Energy and Infrastructure Team of the Year

**THE LAWYER** Awards 2009



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SALMON**



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

**Chambers**

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

**Chambers**

*"A national, premier-league firm."*

**Chambers**

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

**Chambers**

## Renewable Energy Projects

We are a leader in Energy law and a previous winner of The Lawyer Energy/Infrastructure Team of the Year (2009). Our experienced team, is able to assist those working in the renewable energy sector in assessing the risks and understanding the issues which need to be addressed to bring renewable energy projects to fruition. We act for landowners, developers, buyers/sellers, contractors, banks and offtakers, giving us an early insight into likely areas of concern. We advise on the financial support mechanics for renewables projects including the Renewables Obligation, existing NFFO contracts, Climate Change Levy and emissions trading.

We also provide corporate expertise on matters such as sale and purchase of renewables projects, joint ventures, and bringing new renewable companies to the market drawing on our expertise in project finance and funding projects, structuring projects and ensuring that projects are bankable. As well as extensive experience in wind, biomass, biofuels and energy crops and the issues associated with them, we are at the forefront of advising on the legal issues associated with newer and developing technologies such as wave and tidal power, anaerobic digestion, gasification, pyrolysis and hydrogen/fuel cells.

## Grid and Power

We offer considerable experience on grid connection issues relevant to renewable energy projects. We have advised extensively on issues surrounding grid connections to distribution networks and the transmission network for projects of varying sizes up to 3,200MW. We are familiar with the contractual documents relevant to different types of grid connection and 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 also have significant experience in advising on power purchase agreements for the sale of electricity and associated benefits and have advised across a wide range of renewable technologies. Our experience includes advising on PPAs between generators and large organisations requiring renewable power, licensed suppliers and energy traders. We have, as lawyers, led on innovative ways to buy and sell electricity, including direct PPAs and price guarantee agreements.

## Marine

Burges Salmon is one of only a few teams in the UK with direct experience of fully consenting on offshore renewable project. We have acted on 7 offshore wind projects, including Rounds 1, 2, 3 and we have also advised on a variety of tidal schemes including bids for the Crown Estate's Portland Firth schemes. Our construction team has worked on the suite of contracts needed to bring offshore renewables online and we have advised clients on M & A in the sector.

## 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. Recent highlights in this sector include advising Helius Energy and New Earth Solutions on both M&A and joint ventures and The Carbon Trust on a PV Research Accelerator project with Cambridge University and investors and bidders on a variety of Round 2 offshore wind projects.

## Carbon Law

We have developed significant expertise in the field of carbon law, carbon offsetting and emissions trading, having advised DEFRA (now DECC) and other public and private sector clients on a range of aspects of the Carbon Reduction Commitment, the UK Government's new cap-and-trade carbon reduction scheme.

The team's experience of particular relevance to carbon law includes providing advice on the carbon manager agreements for Green Stream Carbon Manager Consortium for trading carbon credits arising from Multilateral Carbon Credit fund set up by the European bank for Reconstruction & Development and advising various manufacturing clients on issues arising in connection with the EU Emissions Trading Scheme.

## Banking

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. 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. Our highly recognised team in this area has advised on wind projects both on and offshore IVCs, biomass plant, AD projects and other traditional renewables. The team includes lawyers who are also qualified engineers, giving them a real insight into the concerns of parties to contracts.



## Planning/Permitting

We have one of the leading consenting practices in the UK, with substantial experience of advising renewable energy companies and local authorities on planning issues. Our energy experience includes numerous projects in biomass, small hydro and wind, both on and offshore, together with grid connections. Our Planning Unit is unusual in having five experienced advocates, which we believe gives an extra edge to our advice, whether or not we are providing the advocacy where matters go to inquiry. We aim to be innovative in our approach and, for example, have had considerable recent success in using community benefit proposals to increase the prospects of successful consent and to expedite court hearings to defeat legal challenges to a number of recent projects.



## 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 policy proposals and consultations on their operations.

## Fuel Supply

We are at the forefront of advising on fuel supply issues associated with renewable energy projects. We have helped set up energy crop producer groups and have developed standard contracts for miscanthus and short rotation coppice. We have also drafted and "negotiated" over the quay fuel supply agreements and UK and international wood chip supply arrangements. On the waste side, we have many years experience of local authority and merchant waste fuel supply.

## 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 'Pay As You Save' 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 assist clients in obtaining environmental permits and renewables accreditation as well as challenging unreasonable conditions. We are there to support developers on all aspects of EHS compliance and represent clients facing administrative and criminal sanctions. We have advised on accidents and fatalities and have helped in the development of EHS policies and procedures.

## 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

## Who to contact



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