

How Useful is Law and Regulation in Facilitating the Transition to Green Energy?

Ross Fairley
Senior Partner, Head of Renewable Energy
Burges Salmon

October 2025

About Borges Salmon

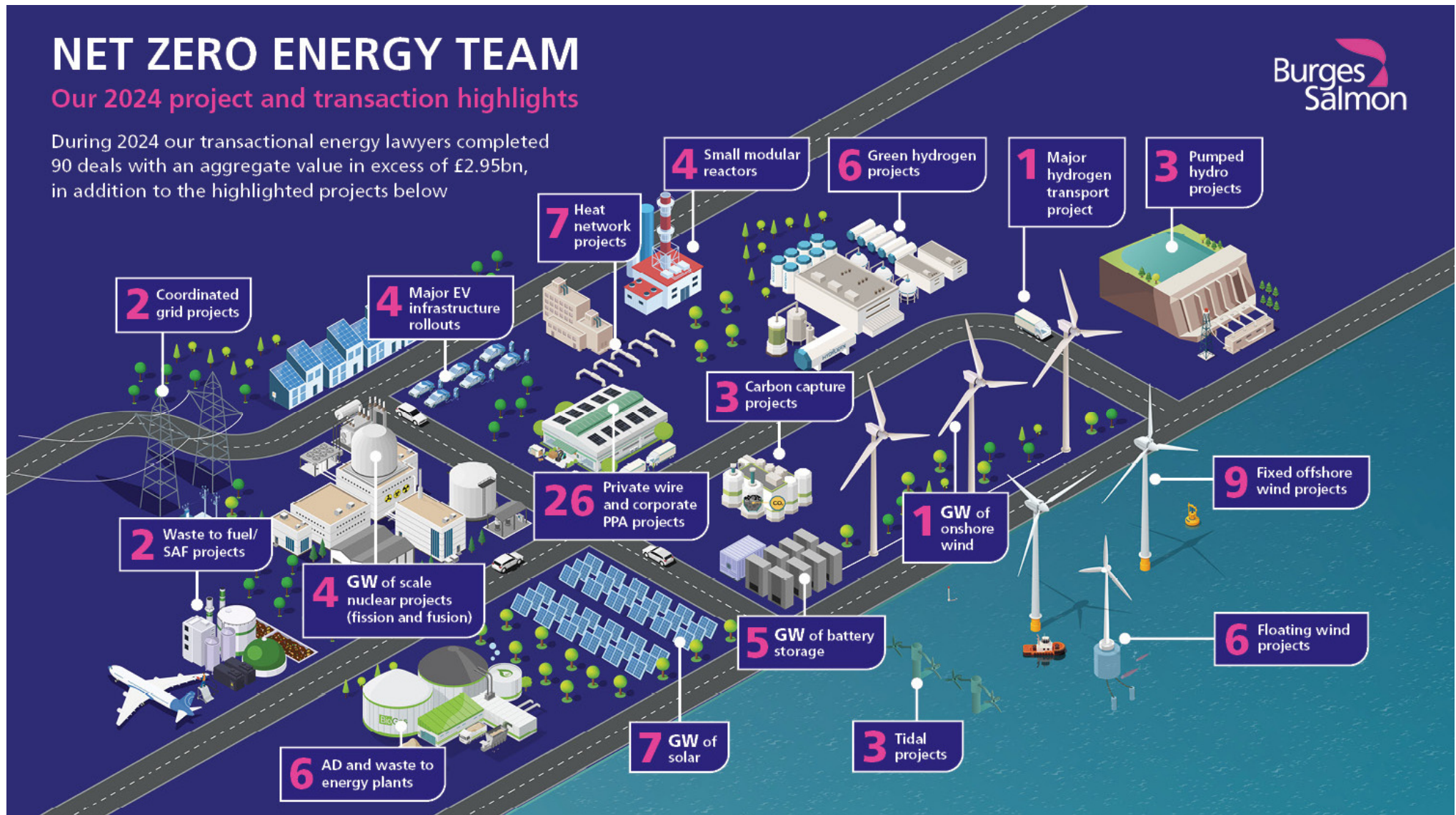
- **UK law firm covering England, Wales, Scotland and Northern Ireland**
- **Offices in Bristol, London, Edinburgh (Cardiff / Dublin)**
- **1,200+ people**
- **Known for our work in certain sectors, including clean energy, transport and built environment**
- **150+ lawyers advising on clean energy / project development**

“This is the most experienced, knowledgeable, specialist and skilled team I have ever worked with in the energy sector.” (a client)

NET ZERO ENERGY TEAM

Our 2024 project and transaction highlights

During 2024 our transactional energy lawyers completed 90 deals with an aggregate value in excess of £2.95bn, in addition to the highlighted projects below



We have been living through an energy revolution

- **1987 - first onshore wind farm in Orkney**
- **By 2024, renewables generating 50%+ of UK electricity**
- **In under 40 years, we have lived through a revolution**
- **By February 2025, there were 1.8m solar installations providing 1.8GW**
- **Blyth offshore wind farm in 2000 – 2MW**
- **By February 2025, now have 14.7GW of offshore wind**
- **Ratcliffe, the UK's last major coal-fired power station, closed in 2024**
- **Move from major centralised energy generation to decentralised / local generation**

What do we expect from law and regulation?

- **Implement the policies we have set out on**
- **Play a role in changing behaviours**
- **Balance Society's conflicting needs**
- **Set the overall objective – providing clarity and confidence**
- **Guards against abuse – clear consequences**
- **Incentivise the winners we have selected?**
- **Provide a framework facilitating innovation**
- **Remove historic barriers including out of date law**
- **Provide stability to encourage investment**
- **Set powers of regulators implementing and enforcing**

Examples of laws for clean energy

- **Energy Acts – setting NZ Target, nuclear, offshore wind**
- **Electricity Act 1989 and its Exemptions (licensing activities)**
- **CfD regulations**
- **Planning law and regulation**
- **Establishing regulators and their duties, such as Ofgem**
- **Carbon Trading regulations / Environmental permitting**
- **Health and Safety regulation**
- **But remember the web of European and International regulation we still practically have to comply with**

Law is up against it – why?

- **Law on energy is layered – built up over years. Cannot start with clean slate**
- **Policy makers are siloed**
- **Success of regulation depends on attitude of and interpretation by regulators**
- **Policy can change rapidly**
- **Co-dependencies of energy at EU and international level**
- **Energy is crucial to our lives and changes have life changing impacts**
- **Entrenched positions and economic interests**

Law is up against it – why? Cont'd

- **Law needs to be backed up by consistent policy, money, resources and investment**
- **Regulation cannot possibly keep pace with innovation**
- **Political cycle is short term, civil servants move**
- **Energy is hot potato and energy bills in particular**
- **Success of clean energy dependent on private capital**

So, some examples:

- **Bills in energy crisis blamed on renewables**
- **CfD v Renewables Obligation – tidal energy and all new technologies**
- **Electricity Supply Licence Exemptions**
- **Planning – environmental studies**
- **Energy Act 2023**
- **IRA in US**
- **Permit challenges (planning and environmental)**

But reasons to be cheerful...

- **Clean Energy developers are resourceful and innovative**
- **Good lawyers can find work arounds to deal with imperfect law**
- **UK legal system is admired around the world**
- **The market has developed – is going nowhere and will force change**
- **Generally, everyone knows we need to move to clean energy**
- **Key role of law is to signal intent and commitment, and we tend to get this right**
- **Law could never keep pace with clean energy growth so we should accept this**

So what is the answer?

- **How useful is law and regulation to facilitate the change?**

Very useful – but it is not your complete answer

.....and future law and regulation will respond to what WE want so all of us should make our feelings known

Bristol

One Glass Wharf
Bristol BS2 0ZX

T +44 (0) 117 939 2000

F +44 (0) 117 902 4400

Edinburgh

Atria One, 144 Morrison Street
Edinburgh EH3 8EX

T +44 (0) 131 314 2112

F +44 (0) 131 777 2604

London

6 New Street Square
London EC4A 3BF

T +44 (0) 20 7685 1200

F +44 (0) 20 7980 4966

www.borges-salmon.com

This presentation gives general information only and is not intended to be an exhaustive statement of the law. Although we have taken care over the information, you should not rely on it as legal advice. We do not accept any liability to anyone who does rely on its content.

Borges Salmon LLP is a limited liability partnership registered in England and Wales (LLP number OC307212), and is authorised and regulated by the Solicitors Regulation Authority. It is also regulated by the Law Society of Scotland. Its registered office is at One Glass Wharf, Bristol BS2 0ZX. A list of the members may be inspected at its registered office. Further information about Borges Salmon entities, including details of their regulators, is set out on the Borges Salmon website at www.borges-salmon.com.

© Borges Salmon LLP 2025. All rights reserved. Extracts may be reproduced with our prior consent, provided that the source is acknowledged.