

Energy & Infrastructure
Public law for renewable energy projects



We are one of the leading law firms in the field of renewable energy in Germany. In a market environment with a constantly growing regulatory framework, we advise on all stages of the energy value chain, from generation to transport to consumption. We offer full-service legal advice through all phases of a renewable energy project. From planning and financing, drafting all project contracts and advising on necessary permits to construction and sale or acquisition.

One of our main areas of expertise is public law, especially environmental and planning law related to the renewable energy sector. Our team of more than 20 lawyers, with a presence across all of our German offices, has extensive experience. This includes advising on complex infrastructure planning procedures and immission control law, accompanying zoning plan proceedings and assessing environmental expert opinions, as well as implementing challenging large-scale projects such as battery storage systems or projects in the water sector.

Together with our experts in the fields of energy transactions, energy law, plant construction and real estate law, we offer comprehensive legal advice on all your renewable energy projects.

We keep a particularly close eye on the constantly changing legal parameters. This can encompass spatial planning principles and objectives for the steering of ground-mounted solar energy plants in regional development and land use programmes, including the implementation of deviation procedures. Furthermore, the newly established expansion of wind energy areas according to the WindBG (Act on the Determination of Area Requirements for onshore Wind Energy Plants), the best possible utilisation of the privileges for solar, agri-PV and hydrogen storage, which are currently in a state of flux, or the implementation of battery storage systems, which has not yet been incorporated into an own specialised planning law and must be integrated into the existing system: Thanks to many years of experience in environmental and planning law, our experts can guide you through the complex new legal regulations and support you in reviewing and optimising your planning projects.

**Number of Renewables and
Cleantech Deals & Projects 2023**

>110

**Aggregated installed capacity
advised 2023**

>10 GW

**Legal Adviser by Number of M&A
Deals Worldwide**

Rank 5

TaylorWessing



**clean energy
pipeline**

Our advisory services

We are one of the leading go-to addresses in the market for public law advice in the context of renewable energy projects, including the areas of onshore wind, solar PV, battery storage and hydrogen.

Solar

The implementation of solar energy projects has been one of our core areas of expertise since the emergence of the German market. The allegedly growing conflict between agricultural use and solar energy is prompting more and more federal state governments and regional planning authorities to introduce comprehensive new regulations in state development and regional plans. At the same time, legislators are beginning to gradually align the legal planning privileges for solar energy plants with those for wind, whilst new solar concepts such as agri-, biodiversity and floating PV are gaining in importance.

We can provide you with competence and certainty within these constantly changing legal parameters:

- assessment of your project according to regional planning policy, including the implementation of deviation procedures,
- preparation of land use plans and zoning plans,
- resolution of environmental conflicts, e.g. in the areas of species and nature conservation, water law, soil conservation law or monument protection,
- communication with authorities, environmental experts, public agencies and the public,
- preparation of the construction including obtaining all necessary permits and approvals,
- implementation of Agri-PV projects, especially in accordance with DIN SPEC 91434, including the incorporation in zoning plans and building permits and the long-term securing of land management,
- implementation of innovative concepts such as Bio-diversity PV and "Natur auf Zeit",
- implementation of floating PV projects, including the often necessary plan revision procedure on excavation lakes,
- monitoring the project over the entire life cycle of the plant, including the implementation of nature conservation requirements and the assessment of agricultural and nature conservation issues, e.g. the creation of permanent grassland.

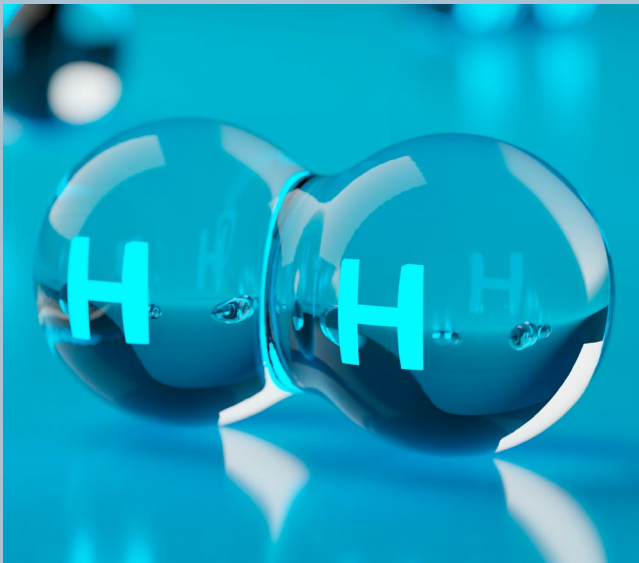
Wind

The designation of wind energy areas is also being restructured. The wind energy areas according to the WindBG replace the previous concentration zones in land use plans. Concurrently, for the first time in history the EU is allowing derogations from material law through the EU Emergency Ordinance and the amendment of the Renewable Energy Directive. At a national level, the legislator is setting new standards with the operationalised significance test under species protection law and the amendment of the national immission control law.

We will assist you in dealing with and making the best possible use of the new regulations for the successful continuation of your wind energy plant activities:

- creation of the necessary planning law and preparation of statements on the expansion of wind energy areas according to the WindBG,
- preparation of the application documents including all necessary environmental assessments from environmental impact assessments to species protection and Natura 2000,
- communication with authorities, public agencies, the public and in particular with environmental associations,
- implementation of the immission control approval procedure,
- implementation of nature conservation and species protection requirements of the immission control permit,
- monitoring the project over its entire life cycle,
- repowering projects under consideration of applicable approval and review facilitations.





Hydrogen

Hydrogen is the energy carrier of the future. The potential and enthusiasm are widespread, but the (nationwide) infrastructure is still in its infancy. In contrast to the wind and solar sectors, the (legal) handling of ammonia and hydrogen as hazardous substances requires experience in technical and hazardous substance-related environmental law, in carrying out environmental impact assessments and in dealing with complex hazardous incident operations under immission control law.

With our wealth of experience in the chemical industry, we offer you precisely this required expertise in order to advise you during:

- identification of the permit requirements relevant to you, for example from the areas of BImSchG (Federal Control of Immission Act), UVPG (Environmental Impact Assessment Act), StörfallVO (Hazardous Incident Ordinance), WHG (Water Resources Act) and AwSV (Ordinance on Installations for the Handling of Substances Hazardous to Water),
- preparation of the application documents including the preparation of the environmental impact assessment (required for each electrolyser and storage tank),
- implementation of the immission control licensing procedure, including the often challenging communication with residents and environmental associations in the case of hazardous substance-related projects,
- construction of pipeline infrastructure, including the planning approval procedure,
- monitoring of the plant over its entire life cycle, particularly with regard to compliance with the operator's obligations under pollution control law and dealing with official requirements.

Battery storage

There is no energy transition without storage. Energy storage takes on a buffer function at the interface between volatile generation and consumption and makes a valuable contribution to the transformation of the energy market with this flexibility. Battery storage systems in particular are becoming increasingly important. In addition to technological and regulatory elements, there are also environmental requirements that need to be taken into account when setting up a battery storage system. We support you in particular with:

- identification of the permit requirements relevant to your project, for example from the BImSchG, the StörfallVO, the WHG, the AwSV and the UVPG,
- implementation under building and planning law, whether in existing commercial and industrial areas or by drawing up new zoning plans,
- review of your technical design for compliance with the applicable building regulations and other hazard prevention requirements,
- realisation of plant combinations (wind+storage, solar+storage), in particular with regard to the best possible utilisation of the privileges provided for in the BauGB (Town and Country Planning Code),
- communication with authorities and public agencies, for whom the topic of battery storage often represents a completely new field of activity.



Selected reference

Client	Matter
Globally operating energy supplier	Advice on the acquisition of a battery storage pilot project as well as the further implementation and procurement of the necessary environmental permits.
Globally operating asset manager	Advice on the acquisition and construction of a combined wind+battery storage project in Germany.
Globally operating energy supplier	Advice on entering the German market, in particular on the implementation of Agri-PV, Biodiversity PV and the handling of permanent grassland in terms of agricultural law and nature conservation law.
Globally operating energy supplier	Advice on the acquisition of a solar portfolio, in particular on the continuation of the land use and zoning plan procedures and the securing of Agri PV use.
Globally operating asset manager	Advice on the acquisition of shares in a solar project developer, in particular with regard to the continuation and legally secure design of the current land use and zoning plan procedures and the elimination of nature conservation and land use planning conflicts.
Planning authorities within the public sector	Advice, planning and implementation of several spatially significant infrastructural projects including the implementation of environmental impact assessments, Natura 2000 and species protection assessments, the preparation of landscape conservation plans, technical reports on the Water Framework Directive, CO2 balances and the preparation of landscape management plans.
Nationwide project developer in the real estate sector	Advice and support in public-law project development, in particular by creating and overcoming building law; ongoing representation in all public-law disputes before the administrative courts, higher administrative courts and the Federal Administrative Court.
Political entity	Advice on the redrafting of a regional development plan, in particular with regard to the supra-regional control of ground-mounted PV systems.
German technology company	Advice on the planning and legal implementation of a nationwide decentralised H2 supply infrastructure.
Regional project developer and investor in the real estate sector	Advice on the creation of building rights at various locations in North Rhine-Westphalia; in particular, advice on the application for and implementation of a regional plan amendment procedure.
Planning authorities within the public sector	Advice and support in the preparation of urban land use plans for spatially significant real estate projects.
Globally operating company in the chemical industry	Advice during the implementation and operation of various electrical lysis and line construction projects.
Globally operating energy suppliers and asset managers	Carrying out > 100 public law due diligences for energy transactions in the wind, solar and battery storage sectors.
European-wide operating project developer	Advice on the implementation of a battery storage project in a green-field area under building and energy law, in particular support with the preliminary planning application.

Your team



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Very good negotiators and excellent specialist and market knowledge: negotiations in close consultation with the client – detailed market knowledge.

Legal 500 Environmental and Planning Law 2023

Planning and environmental law



Project development and plant construction



Energy sector



Real estate law



JUVE 2023/2024

Taylor Wessing works in a very client-oriented way; the colleagues there are always available for their clients, with very short response times. The firm has lawyers with specialist knowledge who offer comprehensive advice in all areas of law.

Legal 500 Energy Sector 2022

The colleagues at Taylor Wessing have very sound knowledge of the industry and thus understand how to offer tailor-made solutions in the shortest possible time. The cooperation with the in-house colleagues runs smoothly and is always very professional.

Legal 500 Energy Sector 2022

1,200+ Lawyers
300+ Partners
28 Offices
17 Jurisdictions

Austria	Klagenfurt Vienna
Austria	Klagenfurt Vienna
Belgium	Brussels
China	Beijing Hong Kong Shanghai
Czech Republic	Brno Prague
France	Paris
Germany	Berlin Düsseldorf Frankfurt Hamburg Munich
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Ukraine	Kyiv
United Kingdom	Cambridge Liverpool London London TechFocus
USA	New York Silicon Valley

* In association with DR & AJU LLC

You can also find current insights on all legal topics related to renewable energy projects in our series **Powerplay**.

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