



## Christiaan Zwart

Year of call: 1997

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### *"Excellent ....."* The Legal 500 2022

An *"insightful and steely streetfighter"* with over 20 years' experience, Christiaan is ranked as a Leading Junior in Tier 1 and was shortlisted for Planning Junior of the Year by The Legal 500 2022.

Christiaan is an Infrastructure (including DCO), Planning and Heritage, Compulsory Purchase, Environment, Energy, and Tax lawyer practicing in multiple jurisdictions, namely England, Wales, Jersey and Hong Kong. Christiaan also advises on these areas within the Transport, Construction, Commercial, Inquiries, Judicial Review, and Investigations, Regulatory and Disciplinary, Administrative and Public, and Information and Media spheres.

Christiaan has represented an impressive range of clients, such as Exxon Mobil, BP, Swift Energy, Bouygues, Stanstead Airport, The Environment Agency, Historic England, Natural Resources Wales, HMRC, developers including housebuilders such as Bellway, a number of well-known Retail giants, local authorities such as The City of Westminster and Uttlesford District Council, and government agencies.

As an Infrastructure Barrister Christiaan has significant expertise in DCOs, their promotion and regulation, advising the Examining Authority and Secretaries of State, objecting to them, at Hearings and the Courts.

As a Planning, Environment and Energy Barrister Christiaan has considerable experience in all development and regulatory matters..

As a Tax Barrister, Christiaan's expertise encompasses development and environment-related Taxes including CIL, VAT, Landfill Tax, and Aggregate and Climate Change Levies.

Christiaan's practice includes the following areas of expertise:

- Planning and Property
- Environment
- Energy and Natural Resources
- Construction
- Administrative and Public
- Inquiries and investigations
- Commercial
- Regulatory and Disciplinary
- Information and Media

# Areas of expertise

- Art and Cultural Property
- Aviation and Aerospace
- Compulsory Purchase and Compensation
- Development Consent Orders and Infrastructure
- High Court Planning Challenges
- Highways, Footpaths and Rights of Way
- Planning Policy Making
- Planning Applications
- Planning Appeals, Hearings and Inquiries
- Planning Enforcement

## Energy and Natural Resources

- Biomass and Energy from Waste
- Electricity
- Nuclear Energy
- Oil and Gas
- Renewables
- Water

## Environment

### - Electricity

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“Christiaan has exceptional pedigree in Electricity related projects” (Head of Environment, Blake Morgan LLP)

Christiaan is well known for his established comprehensive practice in electricity projects. Christiaan is able to manage project risks, secure relevant consents, and navigate through the matrix of legal issues, in order to achieve client objectives. Christiaan's can identify inter-relationships between different statutory regimes and chart a cross-cutting pathway to successful electricity generation projects. Examples include:

- Christiaan acts for Exxon Mobil and The State of Qatar. Christiaan promoted a Combined Heat and Power Plant in The Pembrokeshire Coast National Park, affecting a marine special area of conservation. The plant has an installed capacity of up to 500MWe (South Hook Combined Heat and Power Plant DCO 2014). Christiaan's advice included issues relating to national park protection, landscape, marine special areas of conservation, protected species, the Rochdale Envelope, and grid connection. This was the first outline Development Consent Order application.
- Christiaan acts for The Office of Gas and Electricity Markets in the Octopus litigation. OFGEM assessed the financial aspects of Octopus assimilating a failing energy company, and advised the Secretary of State on these, including risk. Other energy companies are challenging the Secretary of State's decision to allow the transaction. Christiaan is advising OFGEM on related disclosure issues and the Utilities Act.
- Christiaan acts for Spirit Energy, a former subsidiary of Centrica Plc. Spirit Energy is the owner of gas rigs in the North Sea affected by the world's largest offshore windfarm (Hornsea Three – 300 turbines generating between 100MW and 2.4GW of electricity). Christiaan advised on the impacts on rig safety, helicopter flight paths, marine access and on-going gas exploitation and exploration.
- Christiaan acts for Natural Resources Wales regulating a 27-turbine onshore windfarm DCO project

generating 89MW of electricity at Mynydd y Gwynt. Christiaan advised on micro-siting, peat extraction, long-range overland grid connection crossing protected areas, Special Area of Conservation issues, and those relating to the protection of Red Kites.

- Christiaan acts for The Environment Agency on the Hinckley Point C New Nuclear Generating Station project (generating 3,260 MW). Christiaan also worked with the Office of Nuclear Regulation and the Marine Management Organisation and Natural England. Christiaan's advice covered the storage of nuclear waste (using his experience of deep-ground hazardous waste storage, encapsulation, and monitoring), flood risk, and parallel environmental permitting (to ensure the component parts of the project were correctly allocated to the correct planning and environmental jurisdictions).
- Christiaan acts for Jersey Electric on the permitting of a series of six strategically placed ground-mounted solar array projects close to grid connections across Jersey, to increase energy diversity by up to 10MW. That would power the equivalent of 1,500 homes. Christiaan's advice covers matters such concurrent agricultural land use, soil quality, decommissioning, and the restoration of land.
- Christiaan advises the Secretary of State on the lawfulness of a Section 36 Electricity Act 1989 Consent for a 60MW Energy from Waste power station at Lostock, in Cheshire. Christiaan's advised on the successful defence to judicial review challenge.
- Christiaan advises the Examining Authority in relation to which statutory jurisdiction the different elements of The Swansea Bay Tidal (Generating Station) project fell – whether they fell into the Town and Country Planning Act 1990 regime or the Planning Act 2008 (DCO) regime.
- Representing the principal objector to the Aquind Electricity Interconnector ( DCO). Christiaan advises on a range of technical issues including: electricity cabling; Electricity Act consents; cross channel electricity transmission legal issues including Brexit related legislation; and guidance.

## Recommendations

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- "Christiaan consistently delivers KC quality at Junior rates"
- "Really insightful"
- "A streetfighter ... goes through brick walls for clients"
- "Thinks outside of the box to secure the client's objective"
- "Always packs a punch and our clients love him"

## Qualifications

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- Bar Vocational Course, Inns of Court School of Law, Scholarship Inner Temple
- CPE, City University
- RIBA Part III, & double first in Architecture, Newcastle University

## Memberships

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- CPA
- SCL
- NIPA
- PEBA
- UKELA
- TECBAR
- COMBAR

## Appointments

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Appointed to the Attorney General's (Treasury) B panel in March 2010

Appointed to the Attorney General's (Treasury) C panel in March 2004

Prince of Edinburgh Scholar, Inner Temple

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