



Richard Burton

Senior Associate

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Richard specialises in dispute resolution and has extensive experience in handling complex commercial contract disputes, with particular expertise in PFI disputes. He has over a decade of experience advising and representing clients involved in litigation, arbitration and mediation. He has acted for clients across a range of sectors, with his practice encompassing a wide variety of projects, including housing, hospitals, waste, street lighting and energy.

Richard's PFI work includes advising on defects and lifecycle disputes, fire safety and building fabric issues, deductions and service performance, interface and concession agreement interpretation, limitation and standstill issues, guarantees, handback, managed exit and termination arrangements. He is used to working closely with technical experts, counsel and commercial teams to turn detailed project documents, expert evidence and operational records into a clear claim strategy, settlement positions and board-level advice.

Specialist expertise

Examples of Richard's expertise include:

- acting for a local authority on a £93 million dispute with another council in relation to a joint venture for a PPP energy-from-waste plant, successfully reaching a settlement at mediation;
- acting for a building contractor and its parent companies in consolidated proceedings in the Technology and Construction Court in relation to various fire-stopping and other alleged defects on a PFI schools' project. Amongst other things, advising on limitation and various contractual interpretation issues relating to standstill agreements, interface agreement issues, and parent company guarantees;
- acting for a principal contractor in adjudication proceedings in relation to defects claims worth £14 million, which ultimately settled for c.£300k;
- acting for a project company in the negotiation of an early termination agreement relating to a PFI project for the Ministry of Defence, resolving various outstanding disputes, handover arrangements and novation of subcontracts;
- advising a project company on an acoustic design dispute relating to a PFI hospital, including the instruction of an independent acoustics expert, consideration of the PFI project agreement obligations, performance specification requirements, Health Technical Memorandum, room data sheets, contractors' proposals, and contemporaneous design records;

- acting for an NHS Trust on a PFI matter involving disputes over maintenance standards, planned maintenance and lifecycle work relating to a hospital;
- assisting a local authority to resolve a long-standing dispute in relation to a PFI street lighting project, involving various disputes over planned preventative maintenance, reactive maintenance, reporting failures and deductions from the unitary charge;
- acting for an M&E subcontractor in a dispute with an insolvent principal contractor concerning wrongful termination, inducement of breach of contract and trading whilst insolvent;
- acting for an employer on a £5 million dispute relating to the contractor's supply of defective temporary modular accommodation;
- acted for a housing provider in a breach of warranty/indemnity claim relating to the removal, encapsulation or treatment of asbestos;
- acting for a local authority in relation to a PFI housing scheme, involving disputes over capital expenditure arising from various changes of law;
- acting for a local authority, assisting it to successfully defend a £2.4 million procurement claim in the Technology and Construction Court; and
- assisting a local authority to defend a fraudulent misrepresentation claim in the Technology and Construction Court in relation to a PFI integrated waste management project.