



## Planning and Land Use

Obtaining consent for your project can be a minefield of political pressure and legal risk. Our focus is always on helping our clients to successfully negotiate that minefield efficiently and effectively.

Preparation is essential to achieving this and making sure that your application is robust before it is submitted is critical. Getting the application right maximizes the possibility of securing consent quickly, and minimizes the risk of a successful legal challenge.

That is why we work closely with your internal and external teams from the outset of a project to ensure that the application and supporting documentation is able to withstand the scrutiny of decision-makers, objectors and the courts. This upfront investment of our time leads to quicker determinations and fewer legal challenges.

Our dedicated team of planning solicitors and barristers act for clients seeking:

- Planning permission
- Development consent orders
- Compulsory purchase orders
- Transport and works act orders.

We act for both the private and public sectors, including developers, infrastructure providers, government departments and local authorities. Our clients trust us to lead their most politically sensitive and legally contentious projects.

Optimum results are more likely with local knowledge and, to that end, we have a network of eight offices located in the UK's main commercial centres. This extensive coverage enables us to draw upon local experience and long-standing contacts with local stakeholders and decision-makers. Our international offices have the greatest global range and scope of any law firm, which enables us to draw on experience outside the UK as well.

### CAPABILITES

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- Development and regeneration
- Energy and infrastructure
- Compulsory purchase and compensation
- Litigation

### Development and regeneration

Getting an application right from the outset is critical to securing legally robust planning permission quickly and effectively. Our involvement therefore begins at the drafting stage; undertaking legal audits and reviews of key documentation, including

environmental statements, appropriate assessments, planning statements and design and access statements. While the aim is to secure permission from the local planning authority, we ensure that your application is appeal - ready from the outset. Not only does this maximize the prospects of securing permission in the first place, but it also gives you the comfort of knowing that your proposals are capable of withstanding appeal scrutiny if necessary.

Once the application is submitted we work with your planning consultants to successfully navigate the decision-making process. We also draft and negotiate any planning obligations and infrastructure agreements that may be required.

While our focus is always on avoiding an appeal, we are experienced in appeals and our team of solicitors and barristers is able to advise on all aspects of the process. We regularly provide advocacy services, but we are equally comfortable working with outside counsel if that is our client's preference.

## Energy and infrastructure

Our energy and infrastructure clients rely on us to advise them on the most effective, efficient, and sometimes novel, means of securing consent. We can assist in evaluating the merits and applicability of the different regimes, negotiating side agreements and analysing the political and policy spectrum within which the project must be delivered.

Having identified the best regime for the project, we work with our clients to deliver a robust application that will secure consent quickly and efficiently. This involves us working closely with your design team to ensure that the justification for the project is sound and that the environmental assessments and other supporting material are legally robust.

Once an application has been made, we work closely with our clients and their teams to ensure that the process is as efficient and effective as possible. Where hearings are involved, we have solicitors and barristers within our team who can appear but we are equally happy working with outside counsel if that is our client's preference.

## Compulsory purchase and compensation

We have promoted some of the largest and most complicated compulsory purchase orders in the UK; acting on behalf of acquiring authorities as well as the developers and funders who often sit behind them.

Our experienced team offers a cradle-to-grave service, advising on the case for and making of the order, negotiating with landowners and objectors, securing confirmation of the order and implementing it. We also advise on compensation claims and have significant experience of Tribunal proceedings, blight notices, advance payments and other key areas of dispute.

## Litigation

We are pleased to say that very few consents that we have advised on are challenged in the courts and none have ever been successfully challenged; nonetheless, we are experienced in handling planning litigation. Our experienced team of solicitors and barristers have experience of all UK courts; from the Scottish Court of Sessions and the High Court of England and Wales through to the UK Supreme Court, where we have been involved with some of the leading planning related cases of recent years.

We have worked with many leading planning QCs to ensure that our client's objectives are achieved, whether that is defending a consent or challenging a decision that is adverse to their interests.

## EXPERIENCE

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- Development and regeneration
- Energy and infrastructure
- Compulsory purchase and compensation
- Litigation

## Development and regeneration

- Advising Treasury Holdings UK on obtaining planning permission and listed building consent for its mixed use redevelopment

of Battersea Power Station, a 40-acre development that has been critical to the transformation of the Nine Elms Opportunity Area. Advice given was on policy application and improvement, planning strategy, environmental impact assessment (EIA) (including cumulative impact), the structure of the application, consultation, other consents including those from the highway authority and Port of London Authority, interface with the Northern Line Extension, application documents (the DAS, Design Code and retail impact assessment) and planning conditions and obligations.

- Acting for affordable housing specialist provider Places for People in the negotiation and drafting of a complex Section 75 Agreement with The City of Edinburgh Council regarding the delivery of a large city centre housing development involving mid-market rented units funded by means of the Scottish Government's National Housing Trust Initiative.
- Advising Argent LLP on its £500 million office-led regeneration of Paradise Circus to provide 1.5m sq ft of new office space, new retail and leisure units and a hotel, including advising on a certificate of immunity from listing from the Secretary of State for the iconic Birmingham Central Library in the face of a recommendation by English Heritage that the building be listed. Our advice also included the drafting and negotiation of the complicated planning obligation and highways agreements and strategic advice on the EIA and planning application, including the timing of the development and its relationship to the delivery of city-wide infrastructure.
- Advising the West Midlands Pension Fund at an appeal against the refusal of planning permission for an urban extension in the North East to provide 1,000 homes, a hotel and new commercial space, including advising on the planning obligation and EIA.

## Energy and infrastructure

- Advising Ineos Group in their successful application to the Oil and Gas Authority under the 14th Onshore Licensing Round for 21 petroleum exploration and development licences, including drafting the section dealing with the UK regulatory framework.
- Advising Highways England in respect of the promotion of a DCO for its largest scheme - the M4 Smart Motorway Scheme, a 52km linear project. Advising on all aspects of the project including EIA, compulsory acquisition, drafting of the DCO, protective provisions and interface agreements and representation at the hearings.

## Compulsory purchase and compensation

- Advising Cheshire West and Chester Council in connection with the major strategic town centre regeneration programme known as Chester Northgate. The scheme requires site assembly by CPO, planning and listed building consent and highway Stopping Up Orders in order to facilitate the construction of a significant range of new retail, including a department store, leisure offer including restaurants, cafes and a multi-screen cinema, and housing.
- Advising Newham Council in relation to the Royal Albert Dock development including on CIL, restrictions on imposition of planning obligations and conditions, draft planning conditions and drafting and negotiating the planning agreement which focused heavily on affordable housing.
- Representing the National Grid in relation to Transport for Greater Manchester's Transport and Works Act Order Application for the Trafford Park Tram Extension, including negotiating the protective provisions and interface agreement in connection with the crossing of a high pressure gas pipeline and other assets.

## Litigation

- Advising Hopkins Homes in the leading case of Suffolk Coastal District Council v Hopkins Homes and the Secretary of State on five-year land supply and the meaning of paragraph 49 of the NPPF. We appeared at the planning inquiry, successfully challenged the refusal of planning permission in the High Court and defended against Suffolk Coastal District Council's appeal against that decision in the Court of Appeal. The Council's final appeal will be heard by the Supreme Court in 2017.

## INSIGHTS

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## Publications

### Real News - Spring/Summer 2018

7 JUN 2018

#### REAL NEWS

Latest insight into the Electronic Communications Code, transformation of the lease renewal process, the Internet of Things in the real estate sector and what's on the planning horizon in 2018.

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## NEWS

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### DLA Piper continues Irish expansion with appointment of four new partners

4 September 2019

DLA Piper today announces the appointment of four new partners to its recently opened Dublin office into four key practice areas of Finance and Projects (F&P), Intellectual Property and Technology (IPT), Tax and Real Estate. The new partners will be joined by three legal directors, as part of the firm's ongoing expansion in Ireland.

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### DLA Piper advises Allianz Real Estate on the acquisition of EDGE Hafencity in Hamburg

2 August 2019

DLA Piper has advised Allianz Real Estate on its acquisition of the office property EDGE Hafencity as part of an off-market forward deal. EDGE HafenCity Hamburg will be a 15-storey building with a total lettable area of approximately 22,500 sqm.

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### DLA Piper advises Rolls-Royce on acquisition of Siemens' eAircraft business

21 June 2019

DLA Piper has advised Rolls-Royce plc on the acquisition of Siemens' electric and hybrid-electric aerospace propulsion activities, eAircraft. The acquisition will accelerate the delivery of Rolls-Royce's electrification strategy and boost its ambition to play a major role in the "third era" of aviation. The completion of the transaction is expected in late 2019, following a period of employee consultation.

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### DLA Piper announces launch of Artificial Intelligence practice

14 MAY 2019

DLA Piper announced today the launch of its Artificial Intelligence practice, which will focus on assisting companies as they navigate the legal landscape of emerging and disruptive technologies, while helping them understand the legal and compliance risks arising from the creation and deployment of AI systems.

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### DLA Piper advises GLO Properties on acquisition of ModeCentrum Hamburg

30 APR 2019

DLA Piper has advised GLO Properties S.à.r.l. (GLO) on its acquisition of ModeCentrum Hamburg (MCH) from the owner and

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operator, the Luserke family, for more than EUR 100 million.

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### **DLA Piper announces partnership promotions for 2019**

1 APR 2019

DLA Piper is proud to announce that 77 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2019 in the United States and May 1, 2019 for EMEA and Asia Pacific. The promotions were made across many of the firm's practice areas in 43 different offices throughout 20 countries.

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### **Non-resident real estate investors bullish on Capital Gains Tax changes**

19 MAR 2019

Non-resident real estate investors are holding their nerve on UK investment strategies despite impending capital gains tax (CGT) changes coming into force next month and uncertainty around Brexit. According to a DLA Piper report, more than half (58 percent) of those polled expect the new tax code will have no impact on their investment strategy.

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### **DLA Piper makes Real Estate partner hire in Leeds**

5 MAR 2019

DLA Piper today announces that hospitality and leisure lawyer, Susan Samuel, will be joining the firm as partner in its Real Estate practice, based in Leeds.

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### **DLA Piper announces launch of Blockchain and Digital Assets practice**

26 FEB 2019

DLA Piper announced today the launch of its Blockchain and Digital Assets practice, which will offer strategic advice on a global basis to address the needs of companies implementing blockchain technology solutions and creating and deploying digital assets.

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### **DLA Piper's Global Real Estate Annual *State of the Market Survey***

14 FEB 2019

According to DLA Piper's Global Real Estate's Annual *State of the Market Survey*, a significant shift in cross-border investment in US commercial real estate is taking place, with a new country predicted to become the major source of non-US capital for US commercial real estate.

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### **DLA Piper grows Real Estate and Corporate team in Rome**

24 SEP 2018

DLA Piper has added to its Real Estate and Corporate practice groups with three hires in Rome. Filippo Cecchetti, partner, joins

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together with Eleonora Laurito, legal director and Giulia Minetti Floccari, lawyer. All three hires come from Chiomenti Studio Legale where Filippo has worked as a partner since 2015.

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### **DLA Piper further expands UK Construction team**

30 AUG 2018

Global law firm DLA Piper has been joined by leading construction and infrastructure partner Sarah Thomas, along with four other lawyers.

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### **DLA Piper Africa welcomes Zimbabwe member firm**

19 JUN 2018

DLA Piper Africa has announced that leading Zimbabwean law firm, Manokore Attorneys, is joining as the member firm in Zimbabwe.

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### **DLA Piper wins two awards at the Property Investor Europe awards**

15 JUN 2018

DLA Piper was awarded Law Firm of the Year - Overall, and Law Firm of the Year - Fund Formation at the Property Investor Europe awards, held on 14th June at the Plaisterer's Hall in the City of London.

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### **DLA Piper advises Helaba on the financing of the acquisition of a German office portfolio**

7 JUN 2018

DLA Piper has advised Helaba Landesbank Hessen-Thüringen (Helaba) on the financing of the acquisition of an office portfolio by Corpus Sireo Real Estate. The seller is Swiss Life and the parties have agreed not to disclose the purchase price and the amount of financing.

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### **DLA Piper advises Gazeley on leasing agreement for a new logistics property**

7 MAY 2018

DLA Piper has advised Gazeley on the leasing of a new logistics building to Schneider Logistik, located in the Schwäbische Alb business park in Geislingen/Steige, Germany.

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### **DLA Piper advises Migdal on the acquisition of German light industrial portfolio for €56m**

13 APR 2018

DLA Piper has advised the Israeli insurance company and pension manager, Migdal, on its acquisition of three light industrial properties in Germany from ThreadGreen Industrial for €55.7 million. Migdal completed the acquisition in association with Cording Real Estate Group, a German, UK and Benelux real estate investment and asset management firm.

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### **DLA Piper announces partnership promotions for 2018**

3 APR 2018

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#### **DLA Piper advises INP Deutschland on its sale of shares in INP North America to VINCI Energies Deutschland**

23 MAR 2018

DLA Piper has advised INP Deutschland GmbH, an owner-run engineering company, on the sale of 55 per cent of its shares in INP North America Inc.

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#### **DLA Piper advises Asahi Shuzo in acquisition of site for its first sake brewing facility outside of Japan**

20 MAR 2018

DLA Piper represented Asahi Shuzo Co., Ltd. in the acquisition of the site for the company's first sake brewing facility outside of Japan.

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#### **DLA Piper advises international banks as mandated lead arrangers on US\$175 million secured term loan facility**

28 FEB 2018

DLA Piper has advised a consortium of five leading international banks led by Deutsche Bank AG as mandated lead arrangers in connection with a US\$ 175 million secured term loan facility to three Barbados borrowers, which indirectly own Excel Centre, a grade-A office tower with a total space of over 41,000 square meters located in Beijing's Financial Street.

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#### **DLA Piper advises Catella Real Estate on its acquisition of a mixed-use property in Moosach, Munich**

11 JAN 2018

DLA Piper has advised the Munich-based investment manager, Catella Real Estate AG, on its acquisition of the mixed-use property "Moosach Center" located in Moosach, Munich, for "Catella BAVARIA", the open-end mutual real estate AIF. Completed in 2010, the fully let property located directly by Moosach station has a rentable floor space of approximately 7,100 square metres, and is used as office, hotel and retail space.

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#### **DLA Piper advises Allianz and ING on €160 million syndicate loan for CTP industrial property portfolio in the Czech Republic**

6 Nov 2017

DLA Piper has advised Allianz and ING on a €160 million syndicate loan for the financing of a portfolio of industrial properties owned by CTP, a full-service commercial real estate developer and manager in the Czech Republic.

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#### **DLA Piper advises Aareal Bank on financing of £500 million Hilton Metropole hotels acquisition**

2 OCT 2017

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DLA Piper has advised Germany's Aareal Bank on its financing of London-based investor Henderson Park's debut acquisition in the UK hotel market. The £330 million loan supports Henderson Park's £500 million acquisition of the London and Birmingham Hilton Metropole hotels which completed last week.

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### **CRE executives remain bullish, but optimism levels off: DLA Piper's 2017 *State of the Market Survey***

26 SEP 2017

Commercial real estate executives are largely bullish about the US market over the next 12 months, according to DLA Piper's 2017 *State of the Market Survey*. But their optimism continues to level off after the high points seen earlier this decade.

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