



Real Estate Development and Planning

Development projects range from office buildings and mixed use facilities to large scale urban regeneration projects with complex negotiations between public and private stakeholders. Development has been adversely impacted by economic uncertainty over the past few years; however it continues to recover across real estate sectors and markets worldwide.

Our experience guiding commercial development projects gives our clients a competitive advantage. Clients seek us out because we deliver the full range of services necessary to conceive, implement and complete significant projects. Among the projects we have handled are city center and urban redevelopment projects, multi-party air rights developments, office towers with parking and retail components, multi-phased mixed-use projects, mixed use resort properties and lifestyle center developments.

Planning is key to successful real estate and project development. Our experienced planning team supports our clients through all phases of a development project, from planning appraisals, applications and agreements, to enforcement, appeals, inquiries and challenges.

We act on a wide range of projects, from major infrastructure projects to vast residential schemes. We work alongside public and private stakeholders and understand every element of the local planning systems, including complex applications, compulsory acquisition, environmental impact assessment and enforcement.

CAPABILITES

Planning, zoning and consents

Planning, zoning and land use approval processes can vary dramatically from country to country and we are experienced at advising clients across the globe in every stage of the planning process, working to their schedule and ensuring documents are forensically robust and withstand scrutiny from authorities and other stakeholders. We are well versed in managing issues that arise in the gamut of developments including the complex issues presented by major infrastructure projects, urban development and regeneration projects, and transit oriented development.

Government incentives, TIF and site selection

We are a leader in assisting clients with tax increment financing (TIF) and other public incentives programs. Our experience enables us

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- Construction and Engineering
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- Litigation, Arbitration and Investigations
- Public Private Partnerships and PFI
- Real Estate Finance

- Media, Sport and Entertainment

to assist private developers in identifying available public programs and leveraging the benefits of those programs for their development projects.

In addition to our work on behalf of developers, we assist companies evaluating whether to relocate or develop a new headquarters, manufacturing plant or other facility needs to examine the legal, regulatory, and business differences among competing jurisdictions and sites. We evaluate: the availability of relevant economic development incentives; site acquisition and development matters; and the potential impact of different regulatory and political environments.

Further, we confirm and assure the legal ability of the jurisdictions to deliver the proposed incentives after the site is selected. We also negotiate binding legal agreements with relevant governmental entities.

Environment

Among the environmental issues that a development project may need to address are impact assessments, permitting, site contaminating waste products and pollution. Our environmental team's practice covers all areas of environmental law; in addition, we can enlist our health and safety team as required to provide strategic advice in specialized fields such as construction and the responsibilities of senior management.

Joint ventures and other structures

The breadth of our tax, regulatory, corporate, and real estate experience enables us to effectively represent a broad array of clients in connection with the formation, structuring, acquisition and disposition of real estate joint ventures and other entity structures.

Leasing

We represent a broad range of building owners and property managers - from single-asset holders to international real estate funds - in negotiating leases, subleases, assignments, management agreements and all other lease-related transactions.

Dispute Resolution

Disputes can arise in even the most carefully managed development and we help clients avoid them by advising on potential issues at the earliest stages of projects. If a dispute does arise, we have skilled real estate litigation lawyers who can manage all of the litigation, arbitration, adjudication and alternative dispute resolution processes.

EXPERIENCE

- Advising the Atlanta Braves in all aspects of the development of a new Major League Baseball stadium in Cobb County, Georgia, and related entertainment district real estate development, including hotels, restaurants and retail.
- Obtaining land use approvals and entitlements to implement the Centennial Plan strategic framework to redevelop Chicago's Navy Pier, the most popular tourist destination in the Midwestern US.
- Advising a joint venture of the Fallon Company and Cornerstone Real Estate Advisers in connection with the development of Fan Pier, Boston's preeminent waterfront site. The project will involve over 3 million square feet of mixed-use development to include hotel, office, residential, retail and marine components.
- Advising Marriott Inc. in the City Centre development in Doha in which Marriott will operate a Renaissance Hotel, Marriott Executive Apartments and a Courtyard by Marriott Hotel.
- Advising ING Real Estate Development on its project development portfolio, including the Waterloo Shopping, Halle, Tubize FOC, Genk Shopping 1 and Gent Overpoort projects.
- Advising on a large-scale regeneration project in Halton, North-West England, centering on a proposed £500 million bridge across the River Mersey between Runcorn and Widnes, including applications relating to planning, listed buildings, highways, road user charging/tolling, railways, coast protection and the implementation of the suite of planning applications and variations that have been subsequently required.
- Advising Risanamento S.p.A. on its 296 acre former industrial zone in Milan known as Santa Giulia that is being regenerated to provide 60,000 residential units, retail, conference, hotel and leisure facilities and community infrastructure. Our assistance includes revising the town plan and managing all legal and administrative processes required to obtain its approval. We have also advised on

environmental and public procurement matters.

- Advising The Carlyle Group on its joint venture high rise mixed use development with Leighton Properties in Brisbane, comprising an 18-storey residential tower, more than 3,500sqm of retail and commercial space and a 48- room boutique hotel.
- Advising the National Pension Scheme of Korea and Heitman International on the AU\$1 billion industrial real estate portfolio acquisition and development joint venture in Australia with ASX listed real estate group DEXUS.

INSIGHTS

Publications

Levelling up the whole of the UK

7 December 2020

In the foreword to the NIS, the Prime Minister states that "*levelling up is my government's core purpose*". The intention is to level up communities and nations across the UK through investment in rural areas, towns and cities on a range of projects covering those of major national importance and those which address local priorities.

Scottish government consultation on regulation of short term lets

29 September 2020

In September 2020, the Scottish Government issued a consultation paper setting out detailed proposals for the regulation of short terms lets, building on an earlier 2019 consultation on potential options for regulating this sector and proposing to use the powers under the Civic Government (Scotland) Act 1982 to license short terms lets in Scotland.

Updates to UK development consent order procedures move infrastructure into the internet age

24 July 2020

New regulations and guidance relating to the promotion of nationally significant infrastructure projects have been introduced to address difficulties resulting from COVID-19 restrictions. They reduce the emphasis on physical deposit and inspection of documents and promote the use of online resources - a sensible and timely change.

COVID-19: Update to compulsory purchase guidance

26 June 2020

The Ministry of Housing, Communities & Local Government's (MHCLG) planning update in mid-May stated that the government wants Compulsory Purchase Orders (CPOs) to progress during the COVID-19 pandemic.

COVID-19 - planning permissions in England to be extended until April 2021

23 June 2020

Following concerted pressure from the development sector, on 22 June 2020 the Secretary of State for Housing, Communities and Local Government, Robert Jenrick, announced measures to extend planning permissions where build out has been disrupted by Coronavirus COVID-19.

Planning and consultation – changes for lockdown to update an outdated process?

18 June 2020

A fundamental principle of the planning regime is that stakeholders should know about planning applications, giving them the opportunity to participate in the decision-making process by making representations.

COVID-19: Public places and green spaces – advice for landowners and land managers

16 June 2020

From 1 June 2020, lockdown measures in England were eased to allow groups of up to six people from different households to meet outdoors. This raises the question as to what landowners and land managers should be doing to mitigate the resulting impacts while maintaining public access to much needed open space.

Case Summary: R (Kenyon) -v- Secretary of State for Housing, Communities and Local Government & Others [2020] EWCA Civ 302

8 April 2020

Planning and Environment Journal - Issue 2

17 March 2020

[PLANNING AND ENVIRONMENT JOURNAL](#)

Welcome to the second edition of DLA Piper's Planning and Environment Journal where our lawyers share their experience and knowledge of zoning and environmental issues in various jurisdictions. This edition is dedicated to Environmental Remediation procedures in the Netherlands and Spain.

Coronavirus and the US commercial real estate sector

13 March 2020

Considerations on the impact of COVID-19 on commercial real estate agreements already in place.
