

SHARPE PRITCHARD

THE REGENERATION JOURNEY

Supporting you
at every stage

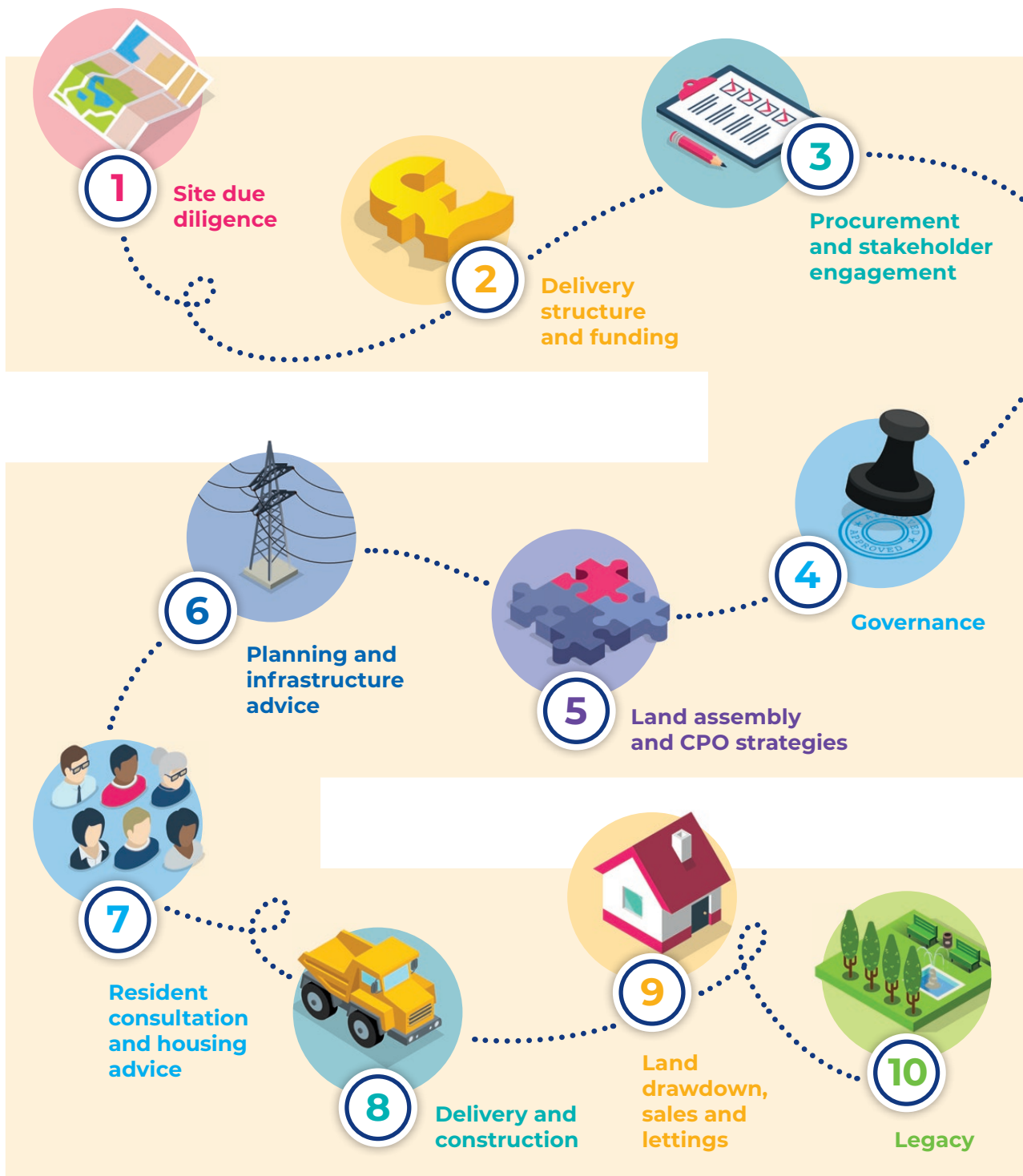
 [sharpepritchard.co.uk](https://www.sharpepritchard.co.uk)



Who we are

Sharpe Pritchard are recognised leaders in providing legal services specifically tailored to the public sector. This makes us uniquely placed to advise and support our clients on the numerous varied, complex and often competing legal issues arising at every stage of their regeneration and development projects. From initial project inception through to final delivery, we utilise decades of experience and legal expertise to collaborate with, and support you in the regeneration process.

This “end to end” service starts from the very beginning of such projects and continues through all key stages.



How we can help you

We firmly believe early engagement of our teams in such projects right from their inception can be hugely beneficial in their ultimate successful delivery. This “early doors” engagement has three key benefits:

1. enables us to highlight any potential **legal complexities** with the site and consider potential **workable solutions** thereby de-risking the project before engaging with private sector partners
2. ensures we have a role in shaping the overall structuring of such projects given the impact this can also have on procurement, construction and funding solutions to unlock and **optimise development potential** and ensure an end product which is attractive to both purchasers and investors
3. provides a **fully integrated approach** across all relevant workstreams from the outset with a clear understanding of the importance of inter-dependencies in project delivery and meeting timescales

We also recognise however that the “end” of the legal process is only the “beginning” of the next phase for our clients in managing the completed development, unlocking the placemaking benefits and ensuring maintenance of sustainable high quality built environments into the future. Ensuring our clients are properly equipped to deal with these on-going legacy issues is, we believe, what also sets us apart.

Other significant benefits our public sector focus offers:

- an **in-depth understanding of the particular needs and drivers of our clients** in delivering regeneration projects, managing complex political challenges, competing financial, commercial and social pressures and stakeholder engagement
- **specialist legal expertise across the broad range of disciplines** required but with a public sector focus including property, procurement, corporate, construction, planning and CPO coupled with relevant expertise in all key related specialist areas
- **forefront of innovative joint venture models and funding solutions** optimising the structuring of such developments to maximise opportunities and attract private sector engagement
- **extensive experience** of early identification of and finding practical solutions for dealing with the legal complexities of potential development sites (for example, title defects, contaminated ground conditions, need for provision of new/diverted infrastructure)
- **specialist team dedicated to green goals and renewable energy solutions** including PV installations, solar farms, EV charging, district heating schemes (including waste heat), private wire and battery storage.
- extensive **experience of negotiating with other relevant bodies** e.g. the Environment Agency, Network Rail, TfL, Homes England, the GLA, utilities companies and other statutory undertakers
- ability to bring **insight, market intelligence and “tested” solutions** from extensive experience on other similar projects

Our approach

We believe **HOW** we deliver our legal support to be as important as the expertise we bring.

- We are a **multi-disciplined** team who are all **passionate** about playing a part in delivering landmark transformational place-making projects for our public sector clients
- We offer a **genuine collaborative approach** offering informed and **pragmatic solutions**
- We provide **“joined up” thinking** across all areas to ensure streamlined legal support
- We bring a **proactive** and **“can do” approach** to problem solving



“You are amazing! Thank you for all of your dedicated, diligent hard work. Playing the third wheel in this transaction I know has been frustrating at times but your ability to ground the other parties has been inspiring. Without you I would question whether this would have got over the line. Thank you for your professionalism and calmness under fire...”



Delivery structure and funding

We recognise the importance of recommending a structure designed specifically to meet our client's objectives. Working alongside you and other professional advisers, we dedicate time early in our engagement to check and challenge objectives to ensure they are legally and commercially deliverable and if so, the most appropriate structure for their delivery. These initial discussions will often result in us providing advice on a range of delivery structure options from, at the one end, the client delivering the scheme on its own and engaging contractors, to working alongside a partner in a corporate joint venture at the other. This option appraisal process will cover a range of areas, but will focus heavily on the client's appetite for risk and its desire to achieve a financial return in the regeneration scheme.

We frequently advise clients on how to enhance their financial returns, for example in the case of local authorities, by structuring land transfers into a vehicle with the benefit of planning uplift or designing procurement documents in such a way that the authority itself is used as the third party lender to fund the construction works (thus providing a revenue stream). We also frequently advise on the availability of grant funding and deal regularly with the legal aspects of Homes England and other forms of government grant funding.



Site due diligence

Once you have identified your site, our team can carry out initial title due diligence to ensure that the site is viable to take forward to development from a title perspective. As well as rights that benefit the site, we will report on potential issues such as ownership (including unregistered land), rights affecting, covenants and restrictions which affect the site. We will advise on, order and report on due diligence searches. Not only do we identify risks but our reports are tailored to our clients to offer potential solutions so that any title issues can be rectified at an early stage or a plan put in place to mitigate risks.



3 Procurement and stakeholder engagement

We have a deep understanding of all aspects of public procurement and will work with you to identify the most suitable procedure to successfully appoint your regeneration partners, whether that is through competitive dialogue or negotiated procedure or traditional development agreement route. We can advise throughout the procurement process and can draw on significant experience in procuring successful regeneration partners. We have developed an innovative approach to tailoring procurement documentation and the procedure to ensure that the procurement process is streamlined and cost efficient. We also regularly advise on the applicability of the Subsidy Control Act 2022 and give pragmatic advice on subsidy control principles, exemptions, use of streamlined routes and assistance with referrals to the Subsidy Advice Unit if required.



4 Governance

We can advise clients and assist on statutory consents required to progress developments such as Section 123 of the Local Government Act 1972, Section 19 of the Housing Act 1985, Section 77 of the Schools Standards and Framework Act 1998 and Schedule 1 to the Academies Act 2010 as well as general and specific Secretary of State consents.

Our team can give advice on the internal authorisation required at the outset of the project but also throughout the process. We are experienced in working with client officers including in-house legal teams to input into the governance and legal aspects of briefing notes, board and cabinet papers.

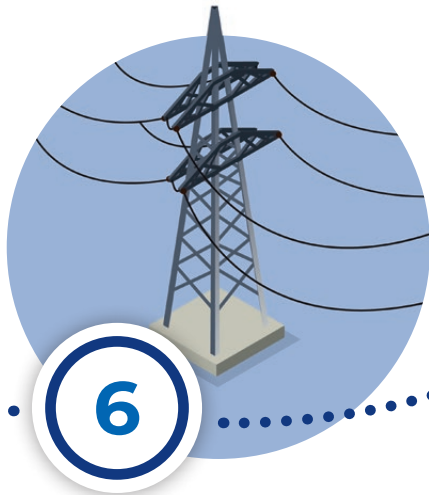


5 Land assembly and CPO strategies

Control over the land being developed is essential to ensure effective delivery of a project. Without proper, legally authorised control, the delivery of that project is in potential jeopardy – whether from potential injunctive action, ability to secure investment, funding and development partners or otherwise.

Our team of experts provide a full range of land assembly legal services to overcome potential obstacles.

Services include advice on engaging with relevant stakeholders, dealing with unregistered land, land in third party ownership, land, interests and/or assets held by government bodies and statutory undertakers, dealing with complex and high value acquisitions, disposals, landlord and tenant issues, easements, licences, securing compulsory purchase orders and advising on associated compensation as well as powers of appropriation and the ability to engage the power in section 203 Housing and Planning Act 2016 to override rights and interests.



Planning and infrastructure advice

The grant of planning and highway consents is often a critical 'pinch point' in a regeneration scheme.

Our team of planning and regeneration lawyers work side by side and can offer clients a full range of planning, highway and environmental legal services, including support with planning applications, reviewing environmental impact assessments, appearing at planning committees, negotiating complex section 106 planning obligations (including offering advice on affordable housing provisions and associated mortgagee in possession clauses) and highway agreements, obtaining stopping up orders, dealing with planning enforcement issues, as well as providing support and advocacy services at planning inquiries. Our team is also highly regarded and consistently ranked in legal publications for our specialist administration and public law work, including specialist high court litigation services.

We are sensitive to the fact that many local authority clients often have to balance one or more 'hats' – as local planning / highway authority, applicant, developer, landowner, funder etc. and regularly advise authorities acting in one or more of those capacities.



Resident consultation and housing advice

In our experience, positive public consultation and support can greatly assist in ensuring effective project management and the successful delivery of regeneration projects, particularly in urban areas where a regeneration scheme has a focus on housing.

Our team regularly work alongside project managers, press and public relation officers and housing officers alike to facilitate the smooth progression of a regeneration project in circumstances where competing pressures and sensitive issues often exist.

We offer clients advice and assistance on a wide range of matters including advising and assistance on housing management matters (including drafting and advising on secure and assured tenancies), decant strategies, measures and packages to be offered to existing residents, GLA funding requirements and advice on landlord offers, initial and final demolition notices, undertaking specialist resident statutory consultations, obtaining relevant Secretary of State consents and securing vacant possession of sites relying on housing grounds.



Delivery and construction

We can support you throughout the delivery and build phase; our team can advise on all standard form construction contracts including the JCT and NEC families, and bespoke remediation contracts, asset protection agreements and build-over licences as required. We can also advise on the appropriate bonds, PCGs, collateral warranties and bespoke professional team appointments for your particular project.

“Hugely knowledgeable team. Good reach within department to cover all manner of commercial property matters. Collaboration with team has been exceptional and there is a personable approach to our interaction with the Sharpe Pritchard team.”



Land drawdown, sales and lettings

Securing and providing draw down of land at the relevant time in the regeneration project is a fundamental part of the process.

Our team can provide legal assistance on the full suite of land agreements including bespoke contracts, conditional contracts, planning and promotion agreements, transfers, leases, licences, lettings and nominations agreements.

We also offer plot sales services and can assist our clients in drafting tailored plot sales packs for schemes.

Our team also regularly acts for clients on the letting of new commercial units which form part of regenerated sites. From retail units to hotels and other leisure facilities, we are highly experienced in negotiating and drafting documents such as leases, rent deposit deeds, licences for alterations and agreements for lease. We also offer advice and drafting relating to service charge provisions and management agreements.



Legacy

We recognise that regeneration does not stop at practical completion, in fact, for residents, local businesses and communities this is just the start of their journey. We are able to support you with the legacy of the project. We negotiate and deal with agreements to secure the long-term management of open and shared spaces and we provide user-friendly guides to the development documentation, highlighting any important milestone dates. We can continue to assist with sales and lettings as well as drafting documents for the adoption of infrastructure, easements and wayleaves for utilities and telecommunications equipment.



Specialist support

Whilst regeneration projects are led by our firm's Real Estate team, we can draw on the expertise of our colleagues across the firm. Our specialist ancillary services include advice and legal support in the following areas:

Housing advice
and housing
management



Property and
housing litigation

Appeals and
inquiries

Green issues and
environmental

“The service is always top-notch, I can't speak highly enough of the team's professionalism, expertise, and attention to detail.”



Adjudication

Highways



Health and
safety



Infrastructure

Building
standards

High Court
litigation including
Judicial Review



Energy



Telecoms



Funding

Tax, pensions
and employment

The core team

Regeneration Leads



Jo Pickering
Partner



Gemma Duncan
Partner

Real Estate / Development



Richard Sharpe
Partner



Susie Sharpe
Senior Associate



Lillie Reid-Hunt
Senior Associate



Niki Constantinou
Associate

Real Estate / CPO



Aidan Dickinson
Partner



Rachel Hey
Senior Associate



James Nelson
Associate



Sarah Wertheim
Junior Associate

Corporate



Peter Collins
Partner



Ryan Copeland
Senior Associate



Sophie Alexander
Junior Associate

Planning



Bernadette Hillman
Partner



Rachel Lee
Senior Associate



Emily Knowles
Senior Associate

Construction



Rachel Murray-Smith
Partner



Helen Batter
Senior Associate



Laura Campbell
Associate

Procurement



Raechel Slattery
Partner



Sophie Mcfie-Hyland
Senior Associate



Michael Comba
Associate

Case studies

Procurement of a long-term multi-site development partner

Our client, a large borough council, was looking for a model whereby it could take a more active role in development with the aim of improving the financial returns to the Council and pace of delivery. At the very early project inception stage, we provided advice on the various delivery options available where it could itself participate in developer's profit, so as to maximise the value from its surplus or underutilised land and property assets. After this, we provided legal support on the subsequent procurement of a development partner with the key objectives of optimising opportunities to generate financial returns for the Council, delivering new development at pace and developing a quality brand. We also provided advice in structuring the procurement such that the selected partner could also be appointed as the single framework provider under a Framework Agreement whereby several other District, Borough and County Councils, Fire and Rescue and Housing Partnerships could call-off similar services without needing to run their own procurements.

Procurement of a master developer

We advised a county council on its urban extension project being a major, long-term property and place-shaping project of significant strategic importance (forecast to meet over 20% of the Objectively Assessed Housing Need for the county). Once developed, the site is anticipated to deliver at least 3600 new homes, over 19 hectares of employment space, a local centre, country park and three new schools, as well as the delivery of primary infrastructure including a new link road and upgrades to a railway station. At the heart of the Council's objectives for the project was to create an environment fit for the future with a genuine sense of place that responds to more sustainable patterns of living, working and travelling, as well as a community asset that, through quality design, is sensitive to the needs of the community and the Council's current and future service users. With this objective in mind, we were engaged from the outset to support the Council in preparing an options appraisal on possible delivery models and resultant procurement implications for each and thereafter in procuring a master developer partner using the competitive-dialogue process whilst ensuring the Council's overall objectives were enshrined at the heart of the procurement documentation.

Procurement of a strategic joint venture partner for a city centre regeneration project

We have been advising a large borough council on its flagship project to regenerate an area of the city centre, being a site of approximately five hectares comprising four tower blocks and over 400 existing residential properties currently managed by the Council's ALMO. The Council's ambition is for this to be an exemplar of a transformational scheme to deliver a mixed use integrated housing and commercial use with an estimated 1,300 units of mixed-tenure housing accommodation including private sale, private rent and the re-provision of the affordable homes. The Council was seeking a long-term private sector partner to fund, develop and operate the development maximising opportunities to develop good quality and sustainable housing. We were engaged from the outset to assist on all legal aspects of the procurement of a partner using the competitive dialogue process and which ultimately saw the incorporation of a 50/50 joint venture limited liability partnership between the Council and a registered provider. We have also been advising on use of the Council's CPO powers to facilitate land assembly for delivery of the overall scheme and we have been retained to advise the Council in its capacity as a 50% shareholder in the JV company throughout the delivery of the project.

Estate renewals

We have been advising a London council in connection with the regeneration over six phases of one of its housing estates in north London which at the time of our initial instruction was the Council's largest estate renewal programme to date. The Council were also looking for this to be an exemplar scheme on which its future estate renewal programmes could be modelled. The estate comprised over 120 residential units across six blocks and the Council were looking to secure 100% re-provision of its existing social rented units, the delivery of around 280 new homes of mixed tenure and type, a new community facility, commercial accommodation and enhanced public realm across the estate including children and young people's play areas, an informal recreation space and a district heating system. We were engaged at a very early stage of the project to assist with the initial scheme appraisal and feasibility study and in preparing a Residents' Aspiration document as one of the Council's key objectives was to ensure strong resident involvement from the outset. We assisted in the ultimate procurement of a developer/registered provider partner for the Council under the CD process. We also advised on a CPO process to facilitate site assembly which was complicated by an overseas pension fund holding a long lease of part of the site which involved a re-gearing of this. In line with its determination to ensure this delivers an exemplar scheme into the future we have also provided extensive advice to the Council in relation to its post development management strategy for the regenerated estate and mechanisms for ensuring these obligations can be enforced going forward.

CPO to facilitate estate regeneration

We recently acted for a London authority in the compulsory acquisition of land and interests required to facilitate the redevelopment and regeneration of one of its major housing estates in east London. This was a complex CPO involving numerous interests in third party ownership and land under a public footpath. We provided support at all stages of the CPO process including ensuring the necessary Council Resolutions were in place, advice on blight notices and preparation of the Statement of Reasons as well as inputting into the land assembly strategy for the wider regeneration project to ensure the two workstreams were aligned. Due to the objections raised, a public inquiry was necessary and we co-ordinated the preparation of witness statements and their appearance at the inquiry. The CPO was subsequently confirmed by the Inspector and we dealt with the subsequent implementation of the CPO by way of NtT and GVDs. We also provided discrete advice in this case on the Council's Public Sector Equality Duty and how this related to the relocation and re-provision of housing for those persons affected by the CPO.

CPO for major infrastructure delivery to facilitate development

We are advising on the CPO to deliver a new link road being 2km stretch of dual carriageway comprising part of the orbital route around a town centre to provide the highways infrastructure necessary to deliver the substantial new housing allocations in the area as identified in the Council's Local Plan. The project is complex insofar as it requires not only terminal roundabouts at either end of the new carriageway, but also the construction of a bridge over a major railway line. The project also required the compulsory acquisition of public open space. We were instructed from the outset to secure all the land interests by way of a compulsory purchase order (under the Highways Act 1980) and to deal with objectors to the CPO who included Network Rail and a number of major national house developers. Objections were considered at a two week public inquiry in November 2021 and the orders have now been confirmed by both the Secretary of State of Transport and the Secretary of State for DLUHC. We continue to advise the Council on general strategy and on matters of compensation, land agreements, negotiation and completion of a number of accommodation work agreements.

“All team members display a genuine interest and enthusiasm for the successful delivery of our project.”



SHARPE PRITCHARD

**For further information, or to discuss
how we can help you, please contact us:**



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