

## **PLANNING AND ZONING**

### **OVERVIEW**

Planning and zoning issues bridge the divide between public and private, and development and conservation. In an area that blends law, advocacy and politics, touches on sensitive local issues, and impacts generations of stakeholders, ensuring a successful result requires experienced representatives with the highest level of industry knowledge and legal sophistication.

Our Planning and Zoning team has been involved in some of the largest and most innovative development and infrastructure projects across the US, UK and UAE. The team has unparalleled experience handling highly complex projects across all asset classes, including tall buildings, major infrastructure (including the energy, water and waste sectors), transport (including the airports, ports and harbours, road and rail sectors), mixed-use development, retail/leisure/residential driven regeneration, signature schemes and multi-arena sports facilities. With over 35 lawyers, our team provides comprehensive advice with global perspective and local insight; from all facets of planning and highways law, compulsory purchase, procurement, state aid, best value and judicial review across Europe and the UK, to municipal and state approvals related to zoning, environmental review of discretionary land use actions, construction, building codes, historic preservation and related issues, as well as litigation arising out of land use and historic preservation administrative proceedings in the US.

### **OUR REGIONAL PLANNING AND ZONING TEAMS**

#### **UK PLANNING AND ZONING TEAM**

Our team's focus is on anticipating risks against a constantly evolving legal and policy background and the navigation of consenting and related processes to meet clients commercial and operational objectives. We also help make connections between developers and planning decision makers to facilitate the successful progression of a project.

Our UK Planning and Zoning team was the first stand-alone Planning practice more than 30 years ago, and has been ranked in the top tier of the leading legal directories for the last 20 years. Our team has advised on some of the largest development and infrastructure schemes in the UK, including:

Sellar Property Group (the Shard, the tallest building in the UK); Unibail-Rodamco Westfield (Shepherd's Bush in West London, Stratford City in East London and its proposals being

promoted with Hammerson in Croydon, South London); Olympic Delivery Authority (Olympic Park for the 2012 London Olympics and post Olympics legacy schemes including UCL's £1bn new campus) and some of the UK's largest residential and BTR schemes. For more information please see our representative experience.

## THE PLANNING LIFE INSIGHTS OF BRYAN

The Planning Life Insights of Bryan is a podcast looking into the practical things that you need to know to navigate your business through the UK planning system.

[Listen to the podcast >](#)

## US PLANNING AND ZONING TEAM

Our US Planning and Zoning team, consisting of lawyers, urban planners and a registered architect, provides a full range of legal services in all areas of land use law, including advice on development enhancement strategies. The team has deep roots in New York and our experience there is comprehensive, including:

- Advising on compliance with the New York City Zoning Resolution and zoning and subdivision regulations in other municipalities, and appearing before New York City land use agencies and boards in other municipalities in connection with applications for special permits, subdivision approval, variances, zoning text and map amendments and other administrative actions required in the development process. Our planners and architect bring a special perspective and appreciation of urban planning and design to the process. We have also served as zoning and planning counsel to a Westchester County municipality.
- Appearing before the New York City Department of Buildings in obtaining interpretations of the New York City Building Codes, the New York City Zoning Resolution and the New York State Multiple Dwelling Law, including working with City agencies on proposed legislation affecting various aspects of the development process. We have particular experience in the area of New York City and building codes.
- Appearing before the New York City Landmarks Preservation Commission in seeking permission to alter protected properties or to develop in historic districts, including matters involving the application of the federal and state Historic Preservation Acts.
- Transferring of development rights in both complex and routine transactions.
- Litigating disputes arising out of land use and historic preservation administrative proceedings, including under the New York City Zoning Resolution, state and municipal subdivision and site plan regulations, landmark preservation regulations and federal and state environmental impact review statutes. We also handle litigation seeking monetary damages

for constitutional violations arising out of zoning, planning board and related municipal regulatory activities.

## UAE PLANNING AND ZONING TEAM

In contrast to all other international firms in the Middle East, BCLP's Middle East team has dedicated resources in the UAE focused on planning and environment. The team is currently advising major governments and quasi government entities on key projects in the region and has drafted planning and environmental regulations for a number of Free Zone entities. Clients include Abu Dhabi Urban Planning Council and the Sharjah Urban Planning Council. We have an in-depth understanding of the policy framework against which planning proposals are judged both in the UAE and the wider MENA region. We are able to guide clients through often incoherent planning systems which often lack transparency and are therefore difficult to navigate.

## WHAT ARE THEY SAYING

- "BCLP are simply the best in the business for planning and environmental work. Really smart, thorough and thoughtful, but also friendly, commercial and pragmatic. It is a powerful combination, and one that has led me to recommend the firm to countless important clients over many years." - Legal 500 2022
- "Top-notch, highly professional and knowledgeable. Collaborative and down to earth. Always very easy to get hold of and responsive." - Legal 500 2022
- "They are courteous, timely and hard-working, with a massive commitment to quality and good judgement, and the delivery of consistent results to the highest standard." - Chambers 2021
- "They're one of the leading firms in the field of large infrastructure projects, and they may have the strongest overall partnership of all the planning firms." - Chambers 2021

## AWARDS

- The Best Lawyers in America™, Germany™, France™, United Kingdom™ - Land Use and Zoning Law/Planning
- Ranked the number one Planning team in the UK's leading legal directories for over 20 years
- Chambers USA - New York Land Use/Zoning
- The Legal 500 US - Land Use/Zoning
- U.S. News & World Report and Best Lawyers® 'Best Law Firms' - Land Use & Zoning Law

- Won Overall Silver Jubilee Cup and the Best Planning Project of the Year, at the RTPO Planning Excellence Awards 2015 for our work on Thames Tideway Tunnel

## MEET THE TEAM



### **Judith M. Gallent**

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## EXPERIENCE

### **\$4.9 Billion Atlantic Yards Project**

Location: US, New York

Representation of Empire State Development Corporation in connection with the environmental review and other public approvals for the \$4.9 billion Atlantic Yards Project, which will include an 18,000 seat arena (the future home of the New Jersey Nets basketball team) and 16 other residential and commercial buildings, comprising 7 million sq ft of development on a 22-acre site in Brooklyn, New York.

### **Advising Panattoni on 15+ Logistics Projects Across Germany**

Location: Germany

Advised on more than 15 logistics project developments across Germany, in particular regarding funding structures with respect to forward development management agreements, aspects of planning and zoning, permits, property due diligence and lease agreements. Six-digit overall amount of sq m of lettable areas.

### **Flushing Commons Project in Queens**

Location: US, New York

Representing a joint venture of The Rockefeller Development Corporation and TDC Development and Construction Corporation as developer, in obtaining land use approvals in connection with the Flushing Commons project in Queens. This \$850 million project consists of the redevelopment of a 5.5 acre City-owned municipal parking lot into a 1.6 million sq ft mixed-use development, including residential, commercial and community facility uses, as well as below-grade public parking. We obtained 11 discretionary zoning approvals, including a rezoning, special permits for large-scale development, public parking garage, and waterfront development. Land use work continues as the project is being constructed.

### **"NYU Core 2031" at Washington Square Campus in Manhattan**

Location: US, New York

Representing New York University as developer in connection with its "NYU Core 2031" proposal, to build more than 2 million sq ft of academic space at its Washington Square campus in Manhattan. Our representation encompassed preparation of NYU's land-use application under New York City's Uniform Land Use Review Procedure, counselling with respect to the preparation of the Environmental Impact Statement required by the State Environmental Quality Review Act, negotiation of project real estate documents and serving as co-counsel to successfully defend the approval from litigation challenges.

### **Largest Onshore Gas Storage Site in the UK**

Location: UK, Lancashire

We have been advising Halite Energy Group since 2010 on the proposed £600 million gas storage facility which is the largest onshore gas storage site in the UK. We have advised on all aspects of the planning process including obtaining the development consent order and a number of related powers and consents.

### **Abu Dhabi Urban Planning Council (Now the DMUP)**

Location: UAE, Abu Dhabi

Instructed by the UPC to advise on planning matters. Our role in reviewing the UPC's Development Code threw up a number of issues regarding its implementation and enforcement. Although the UPC had included regulatory provisions within the Code, the Code itself had no statutory weight and needed to be supported with planning legislation. BCLP was retained to draft the relevant legislation and work with the UPC in reviewing and reforming its development review process.

### **Large Parcel in Hudson Yards**

Location: US, New York

Representation of Silverstein Properties, Inc., a significant office and residential developer, in all land use and zoning aspects of the development a large parcel in Hudson Yards, which will ultimately contain two buildings with approximately 1.8 million sq ft of residential and commercial uses.

### **Dubai Government Consultation**

Location: UAE, Dubai

Providing input on Dubai Government's consultation on the use of public private partnership arrangements in Dubai, including participation at a series of workshops attended by several Dubai Government bodies including the Legal Affairs Department.

### **Construction of a Residential Tower for a Residential Developer in New York**

Location: US, New York

Representing Toll Brothers City Living, a significant residential developer, on the acquisition of development rights for the construction of a residential tower, and on applications before governmental agencies for various land-use applications, including requests for complex building code variances and for a special permit to exceed maximum parking space limitations.

### **Planning of Iconic London Skyscrapers**

Location: UK, London

Advising on the planning aspects of some of London's most iconic skyscrapers, including the Shard, 20 Fenchurch Street and the acquisition of 122 Leadenhall, "the Cheesegrater."

### **Landmark Farley Post Office Building**

Location: US, New York

Represented a state public benefit corporation in connection with the redevelopment of the landmark Farley Post Office Building, in order to create a new Penn Station in Manhattan, New York. Our work included legal counsel related to land use issues and the project environmental review under federal and state law.

### **Advising on All of Westfield's London Schemes**

Location: UK, White City, Stratford, Croydon

Advising a Westfield/Hammerson joint venture on the proposals to redevelop the Whitgift Centre and surrounding area in Croydon Town Centre in a £1.5 billion mixed use scheme. We have advised on all planning matters since 2012. We have also advised on Westfield's schemes in Stratford and White City.

### **Lindbergh City Center**

Location: US, Georgia

Representation of Metropolitan Atlanta Rapid Transit Authority (MARTA) on the ongoing development of Lindbergh City Center, a 50-acre mixed-use project located in the Buckhead section of Atlanta, Georgia and built around an open-air heavy rail station and very active bus intermodal facilities. The fully developed project will consist of nearly 5 million sq ft of space, including speculative office, corporate user office, retail and restaurant, hotel, rental residential and for-sale residential, and involves multiple ground lease parcels and detailed land use restrictions.

### **UK's Largest Residential-Led Scheme**

Location: UK, Nationwide

The team advise on some of the UK's largest residential-led development schemes, including Oak Park Garden Village (25,500), Barking Riverside (11,000 homes), Northstowe (10,000) and Ebbsfleet Garden City (9,500).

### **Triple Net Ground Lease At Hudson Yards**

Location: US, New York

Represented Little Man Parking LLC, a medium sized owner operated parking garage company, as landlord, in connection with a triple net ground lease at 451 W. 10th Avenue in New York. The tenant, a real estate firm, plans to build a 415,000 sq ft tower as tall as 700 ft at the site, which would include either hotel or office space on the lower floors and residential units above.

## **Olympic Delivery Authority (ODA) On London 2012**

Location: UK, London

Advised the ODA on all aspects of the planning, construction and delivery of all the Olympic Park sports venues and disposal of the Olympic Village, for use during the 2012 Olympic Games for housing athletes, and legacy conversion.

## **Development of an Assisted Living Facility in New York**

Location: US, New York

Representing Maplewood Senior Living, LLC as land use counsel in connection with due diligence zoning advice for acquisition of a site on Second Avenue in New York, New York, the purchase of air rights from an adjacent owner, and the municipal approvals for this 200,000 sq ft development.

## **Sale of Fee Interests in Several Parcels in Queens, New York**

Location: US, New York

Representing the Metropolitan Transportation Authority in connection with the sale of fee interests in several parcels as well as several hundred thousand sq ft of excess development rights, appurtenant to MTA-retained land to the owner of adjacent property in Queens, New York. We are handling all aspects of the deal, including environmental, zoning and real estate.

## **RELATED INSIGHTS**

Insights

Apr 15, 2024

### **To retrofit or rebuild - is planning policy a help or hinderance?**

Reducing the embodied carbon in the built environment has an important role in mitigating the effects of climate change. However, there is no national planning policy that incorporates such considerations in the planning process. Whilst a policy shift is on the horizon, the recent High Court challenge brought by M&S following the refusal of its Oxford Street store plans brings welcome clarity on where things currently stand for demolition and rebuild proposals.

Insights

Mar 14, 2024



## **Reforms to NSIP application process coming forward this spring**

Changes to the DCO consenting process to be introduced this spring have the potential to help applicants navigate this system with more certainty and confidence. They introduce more flexibility into the process allowing the opportunity for applications to be processed in a way that is more appropriate and proportionate to its particular nature.

Insights

Mar 12, 2024

## **Important planning changes set out in new consultation**

Some significant planning changes are proposed in a government consultation on 'An Accelerated Planning System' launched on 6 March 2024 alongside the Spring Budget (which closes on 1 May). These proposed changes cover new processes to speed up planning decisions, details of how the new route to vary planning permissions under s73B TCPA will work and possible solutions to facilitate the operation of overlapping 'drop-in' permissions to prevent Hillside risks arising in large schemes.

Insights

Feb 01, 2024

## **Important changes proposed to the siting of nuclear power stations**

The Government's consultation on the siting of nuclear power stations beyond 2025 reflects the changing nuclear landscape in the UK and proposes a new approach to national planning policy that is more flexible and developer led. This is potentially exciting for the developers and manufacturers of advanced nuclear technologies such as SMRs if the new policy supports scalability and cost efficiencies. However, whether the proposed changes will provide optimal support warrants careful consideration, as we explain in this Insight.

Insights

Jan 24, 2024

## **Dennis v Southwark: does this new case materially amend Hillside?**

Can a multi-phase development, consented in outline, be changed from that which was originally contemplated? This recent case, R (Dennis) v London Borough of Southwark, was decided on 17 January and involved Pilkington/Hillside principles. Southwark sought to use a s96A non-material amendment to "confirm" that the planning permission was severable. This Insight considers the latest attempt to authorise the amendment of a multi-phase development scheme.

Insights

Jan 11, 2024

## **Call-in – an own goal or the right result?**

The news this week that Madison Square Garden Entertainment (MSG) has pulled its proposals for a spherical entertainment venue with external, wrap-around LED-illuminated advertisements in Stratford, is a reminder of the role of call-in within the planning system. This Insight takes a look at that role within the context of a couple of recent high profile examples.

News

Dec 13, 2023

## **BCLP Advises on Joint Venture in London for Sustainable Property Developer**

Insights

Dec 13, 2023

## **Levelling up and Regeneration Act – considering climate change**

Insights

Dec 11, 2023

### **Levelling Up and Regeneration Act 2023: Summary of DCO and CPO reforms**

Included in the wide range of provisions in the Levelling Up and Regeneration Act 2023 are some important changes to the process and procedures for Development Consent Orders and Compulsory Purchase Orders. In this Insight we examine these changes and their implications for landowners and local authorities.