

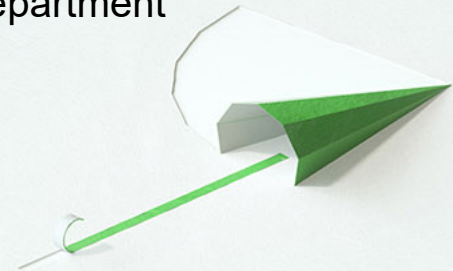
# Towards an agile HE estate – a lawyer's perspective

Mark Paget Skelin

Partner, Property Department

Niamh Batterton

Legal Director, Commercial and Infrastructure Department



# Context

- The journey towards change in the HE estate
- Accelerated change following COVID-19 pandemic
- Changing use of space – need for greater flexibility and agility
- Key drivers for change
  - Reducing carbon footprint
  - Achieving cost efficiencies
  - Increasing income generation
  - Obtaining capital receipts from surplus sites
  - Evolving educational requirements





# How can lawyers help your journey towards a more agile, flexible estate?

- Property law and the realities of the modern built environment haven't always worked well together
- Legal emphasis often perceived to be on:
  - Certainty, formality, inflexibility
  - Traditional rigid property holding structures
  - Ancient unintelligible covenants and restrictions on title
  - Complicated construction contracts
- Using lawyers (and the law...) where they can best add value
- Integrating lawyers within your wider estates or project teams whilst minimising unnecessary legal spend



# Towards a more flexible estate - leasehold

- Leases moving towards shorter terms, more flexible break rights
- Estate management tools – legal input?
- Planning ahead to maximise agility
- Reviewing what you have (and haven't) got within your leasehold estate either as landlord or as tenant
  - Break rights and notice periods
  - Rent reviews/ rent free periods
  - Lease expiry dates
  - Security of tenure
  - Alienation restrictions



# Towards a more flexible estate - freehold

- Many campus sites have complex freehold titles
- Estates audit - flexibility on future estates reconfiguration
- Identify and eliminate (or transfer!) site and title risks where possible





# Site disposals – enhancing estate agility

- Securing “vacant possession” – clearing/ decanting third party occupiers
- Identifying relevant title issues/ defects
- Third party consents, e.g. pre-emption rights, superior landlords
- Planning consents – obtain outline planning permission?
- Decommissioning – removal of hazardous and other waste, secure property against squatters



# Other factors impacting on estate agility

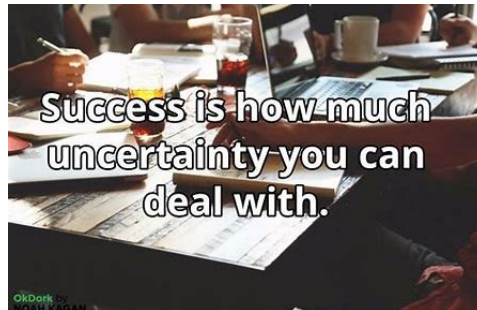
- Contamination issues – Part IIA, Environmental Protection Act 1990
- Unregularised occupiers or rights
- Protected species, e.g. bats, great crested newts, badgers
- Restrictive covenants
- Easements – third party access rights, utilities rights
- Access and ransom strips
- Rights of light





# Uncertainty is (usually) your enemy

- Uncertainty hinders estate agility
- Information, information, information...
- Obtaining advance consents, variation or release for restrictive covenants
- Enhanced potential “marriage value” with adjacent sites
- Coordinating disposals and acquisitions





# Towards a more flexible estate - construction



# Final thoughts

- Moving towards a more agile estate will take time and investment
- Positioning yourself to maximise income generation opportunities
- If you have to sell – how best to maximise capital receipt
- Knowledge and data: a valuable tool to enhance agility
- A continuous cycle of change



## Getting in touch

Mark Paget Skelin

Partner, Bevan Brittan

[mark.pagetskelin@bevanbrittan.com](mailto:mark.pagetskelin@bevanbrittan.com)

0777 474 1956

Niamh Batterton

Legal Director, Bevan Brittan

[Niamh.Batterton@bevanbrittan.com](mailto:Niamh.Batterton@bevanbrittan.com)

0755 103 5238



# Thank you

Birmingham | Bristol | Leeds | London

[www.bevanbrittan.com](http://www.bevanbrittan.com)