



EDWARD GARDNER

Senior Associate

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BIOGRAPHY

Edward is a senior associate in BCLP's market-leading real estate disputes team, with a depth of experience in all areas of contentious property matters.

Edward regularly advises developers on risk mitigation strategies arising from complicated and profile developments across the UK, with a focus on rights of light. Edward's routinely handles rights of light litigation and implements rights of light mitigation strategies that encompass insurance policies and the use of s.203 appropriation powers. Alongside BCLP's transactional lawyers, Edward provides strategic advice in the context of transactions, such as property disposals, forward fundings and development financing.

From the County Court to the Supreme Court, Edward has acted for clients in diverse matters including disputes related to insolvency, forfeiture, and business rates. Edward's practice also

encompasses disputes arising from sale and purchase agreements, neighbourly matters and trespass. Edward regularly advises clients on asset management matters, including vacant possession strategies, the Landlord and Tenant Act 1954 and dilapidations.

Edward also has extensive experience in acting for utility providers, providing strategic assistance on nationally significant infrastructure projects. In particular, Edward has advised on obtaining access to land in order to carry out surveys necessary for these transformative projects to proceed.

ADMISSIONS

- England and Wales

RELATED PRACTICE AREAS

- Real Estate Disputes
- Hotels and Hospitality
- Real Estate Retail
- Litigation & Dispute Resolution
- Real Estate
- Retail & Consumer Products
- Build to Rent/Multifamily

EXPERIENCE

- Advised high-profile landlord of a town-centre site in relation to its major regeneration plans, including vacant possession and right of light mitigation strategies.
- Advised developers in relation to rights of light mitigation strategies of city-centre development and regeneration projects, including successfully settling rights of light claims for injunctions outside of court.
- Advised National Grid on its strategy and powers in relation to access land in order to undertake surveys for a number of its nationally significant infrastructure projects.
- Acting for the successful landlord in relation to High Court forfeiture and insolvency proceedings against a high-profile tenant.

- Acted for the successful landlords in the Court of Appeal case of *Tindall v Adda* [2015] 1 P&CR 5, the leading case on intra-group lease assignments.
- Assisted in acting for the British Property Federation and the Rating Surveyors Association in their Supreme Court intervention in *Newbiggin (Valuation Officer) v S.J. & J Monk*, the leading case on business rates liability for buildings undergoing reconstruction.

RELATED INSIGHTS

News

Apr 04, 2024

BCLP advises Get Living on the financing of New Maker Yards, Greater Manchester

Insights

Dec 20, 2023

Briefcase 2023 quarter 4: key real estate cases and updates

News

Jun 23, 2023

BCLP advises KKR on forward funding of 819-bed student accommodation scheme in Bristol

Insights

Jun 08, 2023

“For the rich but not the poor” but still entitled to charitable relief from business rates

In the case of London Borough of Merton Council v Nuffield Health [2023] UKSC 18, the Supreme Court unanimously held that Nuffield Health was entitled to charitable relief of 80% from its business rates liability in respect of a members-only gym, despite it only being “for the rich but not the poor”. If a charity is using premises for its charitable purpose it will be entitled to mandatory relief from business rates, irrespective of the public benefit from the specific premises. This decision brings welcome clarity, both for charities and property owners, in a climate where our High Streets continue to struggle to recover from the impact of the pandemic.

Insights

Dec 21, 2022

Briefcase 2022 Quarter 4: Key real estate cases and updates

Insights

Mar 29, 2022

Briefcase 2022 Quarter 1: Key real estate cases and updates

Insights

Sep 30, 2021

Briefcase 2021 Quarter 3: Key real estate cases and updates

Insights

Oct 15, 2020

Operator fails in attempt to secure a new telecoms Code agreement, as Tribunal weighs up “public benefit” of telecoms and prejudice to the landowner



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