

APPENDIX 3SILVER HILL REGENERATION – FURTHER UPDATEFURTHER CORRESPONDENCEReport of the Head of Legal and Democratic ServicesLegal Advice1 Introduction

1.1 Annexed to this Appendix is further correspondence which has been received since the main report was prepared.

2 Letter from SW1 dated 26 January 2016 (Annex A)

2.1 This letter gives further clarification of SW1's position, and includes details of a proposed indemnity which would be given to the Council if it agreed to SW1's proposal for a "non-termination" arrangement, as detailed in the main report (CAB2755 refers) to allow the appeal to be determined.

2.2 Further legal advice on the matters raised, which has been received from BLP, is set out in Exempt Appendix 4.

3 Letter from BLP dated 27 January 2016 (Annex B)

3.1 This letter from BLP clarifies and corrects the position in respect of the 20 working day period which was included in the original Development Agreement. As noted in the letter, this provision was in fact deleted in the 2010 deed of variation, and if notice of termination is served, SW1 would not have any further opportunity thereafter to make the Development Agreement unconditional. Once notice of termination has been served, therefore, the Development Agreement would terminate at the end of the three month period of notice.

3.2 The letter from Hogan Lovells dated 26 January 2016 which is referred to in BLP's letter is in Exempt Appendix 4 (Annex B).

3.3 Exempt Appendix 4 includes legal advice from BLP on the matters raised in the letter.

Annexes

Annex A – Letter from SW1 dated 26 January 2016

Annex B – letter from BLP dated 27 January 2016