



German Public Building Law

Our expertise

Januar 2020

Our expertise in the field of German Building Law

Public building law determines whether and on what scale a plot of land can be built upon. It forms the basis of every real estate development. Both building contractors and public decision-makers are confronted with a large number of complex legal provisions in a multi-tiered system of regulations.

Even at the level of planning law, the high-level plans of state and regional planning authorities can be decisive in determining whether or not a project will be authorised. Likewise, sectoral planning can have implications for the permissibility of construction projects.

In addition, it is the responsibility of the local authorities, by way of their land-use planning policies, to steer urban construction development in their communities. Their most important steering instrument is the zoning plan. With a (project-specific) zoning plan, the local authority can establish new, or amend existing, building rights.

Ultimately, the building permit authorities decide whether a project will be permitted.

Whether and to what extent permits from the authorities have been granted for existing structures or can be obtained subsequently is furthermore of vital importance for real estate transactions to be successful.

Hogan Lovells has extensive expertise in the area of public building law. Our main areas of advice include in particular:

- **Establishing building rights:** extensive advising and representation of building contractors and local authorities in the context of land-use planning and building permit proceedings.
- **Neighbourhood development:** providing support during neighbourhood developments, in particular in connection with the preparation of project-specific zoning plans and the conclusion of urban development contracts.
- **Serviced apartments & co-working space:** legally secure designing of new forms of living and working.
- **Retail projects:** advising and representing clients on the development and revitalisation of major retail projects.
- **Due diligence under real estate law:** advising on a large number of real estate transactions.



A selection of our expertise

Distinctive experience



Autobahn Tank & Rast GmbH

Ongoing advice regarding concessions for the construction and operation of federal motorway service areas as well as planning and development of complex off motorway truck stop projects.



Lukas Development 1. GmbH

Advice in construction and planning law in connection with the realization of a residential district in Dusseldorf.



3M Deutschland GmbH

Advice on construction and planning law in connection with the development and expansion of a chemical park.



Redevco Services Deutschland GmbH

Providing advice and support in real estate transactions, in particular advising on the expansion of a commercial area in the Rhein-Ruhr shopping centre in Mülheim an der Ruhr..



IMS-Messsysteme GmbH

Advice on planning and building law in connection with the extension of the company headquarters..



City of Heiligenhaus

Advice in planning law regarding the restructuring of an existing business park.



Terra Firma Capital Partners

Advising on various real estate and environmental aspects, including the acquisition of Viterra Development.



Bundesverband der Gießereiindustrie e.V.

Restructuring of research and development departments and advising on various issues in connection with planning law and building regulations.



Löwen Entertainment

Advising from the point of view of building regulations law during the construction of casinos and sports betting shops across Germany.



OFFICEFIRST Real Estate GmbH

Advice on construction planning law for inner-city neighbourhood development.



City of Monheim (Rhine)

Advising on procurement and construction planning law in relation with the development of a retail centre.



Smurfit Kappa Group

Advising on construction and planning law.



Federal Ministry of Defence

Extensive advising from the point of view of construction law on the privatisation of the Bundeswehr (German armed forces) repair works in Darmstadt, Doberlug-Kirchhain and St. Wendel.

Our Team



Prof. Dr. Thomas Dünchheim

Partner Düsseldorf

T +49 211 1368 422

thomas.duenchheim@hoganlovells.com

Thomas Dünchheim is the "Go to - Lawyer" for legal questions relating to municipal enterprises, public bank institutions, state-related transactions and gambling law. He has more than twenty years experience in the area of public law, especially public commercial law, municipal law, environmental law and construction law.

Thomas is Head of Global Regulatory Continental Europe, Head of the Hogan Lovells International Gaming Initiative and the Environmental Law Group of our law firm. He was the Office Managing Partner of the firm's Düsseldorf office from 2016 to 2019.

Thomas holds a diploma in public administration (Diplom-Verwaltungswirt) and studied law at the University of Cologne from 1994 to 1999. From 1999 to 2009, Thomas was mayor of the city of Monheim and headed the Legal Department, the Departments Human Resources and Administration, Urban Planning and for the promotion of Trade and Industry Departments. Since 2016 he is Professor for Constitutional and Public Commercial Law at the EBS University in Wiesbaden.



Damian Sternberg

Associate, Düsseldorf

T +49 211 1368 0

damian.sternberg@hoganlovells.com

Damian Sternberg advises companies and the public sector on all aspects of administrative law. He focuses on public construction law and environmental law. He represents his clients in complex administrative proceedings and legal disputes. Due to his consistent specialization in administrative law he has a wide experience in dealing with authorities and political decision-makers. He also proves his expertise as a specialist lawyer for administrative law.

Damian Sternberg studied in Bonn and Vilnius with a focus on public law. After working at the University of Münster he completed his legal clerkship at the Ministry of Building, Housing and Urban Development of the State of North Rhine-Westphalia.

Prior to his current position, Damian Sternberg worked for a law firm specialising in building law in Bonn.

**Carsten Bringmann**

Senior Associate, Düsseldorf

T +49 211 1368 357

carsten.bringmann@hoganlovells.com

Carsten Bringmann advises companies and the public sector on all aspects of public law. He focuses on public commercial law and has special expertise in gambling law and constitutional law.

Following his studies at the Heinrich-Heine-University in Düsseldorf, Carsten Bringmann completed his legal internship in the district of Higher Regional Court in Hamm, at the Parliament of North Rhine-Westphalia and a well-known law firm in the public law sector. He is currently working on his doctoral thesis about gambling law. Carsten Bringmann is visiting lecturer for European and international business law at the University of Wuppertal.

Our approach?
Cooperative.

We take the time to
understand your
needs and objectives.

Market recognition

A selection of awards
and market recognition



Sources emphasise the team's quality and ability to understand the client's needs, saying: "All of the lawyers are technically very good, quickly grasp our issues and are always solution-oriented with their answers. In negotiations they are very skilful."

Chambers Europe, 2018



A client marks their appreciation, saying: "I get an answer very quickly and the lawyers are truly pragmatic."

Chambers Europe, 2018



Clients are 'extremely satisfied with the work' of the 'reliable and competent' practice at Hogan Lovells International LLP, which is particularly marked by its 'timely processing, excellent availability and practical approach'; the 'adequate breadth of the group' is also valued.

Legal 500, 2018



The 'pragmatic' Thomas Dünchheim in Düsseldorf, who has 'an enormous amount of expertise in public law and in municipal structures', as well as a 'sensitivity in situation analysis for the development of target-oriented solutions', is highly recommended.

Legal 500, 2017



Strengths: Advice to international clients and on international projects. Strong public sector ties.

JUVE Handbuch, 2017/2018

Recommended: Hon.-Prof. Dr. Thomas Dünchheim ("very strong municipal contacts in Nordrhein-Westfalen", client).

JUVE Handbuch, 2016/2017



Excellent connection to public authorities and companies.

JUVE Handbuch, 2017/2018



"Respected public law practice [...]. Regulated sector knowledge also encompasses energy, transportation, healthcare and infrastructure. Further expertise in matters related to power plants and manufacturing plants, including construction and privatisation."

Chambers Europe, 2019



'fast and pragmatic' 'good industry knowledge and international capabilities'

Chambers Europe, 2018

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