



Homes
England

Date: 23 April 2021

Our Ref: RFI3272

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

Making homes happen

██████████
By Email Only

Windsor House
Homes England – 6th Floor
50 Victoria Street
London
SW1H 0TL

Dear ██████████

RE: Request for Information – RFI3272

Thank you for your recent email, which was processed under the Freedom of Information Act 2000 (FOIA). You requested the following information:

Please provide information relating to the "£9 million funding deal with Apex Airspace Developments" (<https://www.gov.uk/government/news/brookshire-unveils-500-million-affordable-homes-funding-boost--2>).

In particular, I request information relating to:

- 1) the nature of the funding (loan, terms, penalties, interest etc.)*
- 2) the sites the homes will be built and expected completion dates*
- 3) the expected number of homes, and the number of these that are deemed "affordable homes", at each site*
- 4) any restrictions on building method linked to the funding (e.g. built off site and lifted on cranes to minimize disturbance to residents)*
- 5) any correspondence between Apex Airspace and Homes England*

Response

We can confirm that we do hold some of the requested information. We will address each of your points in turn.

1) *the nature of the funding (loan, terms, penalties, interest etc.)*

Apex Airspace Development Ltd were granted a development finance loan of £8,051,000 under the Home Building Fund. The loan was contracted on the 21st of December 2018 with a final repayment date of 30th Sept 2021. However the loan was closed and no funds were loaned to Apex Airspace. There were no contractual penalties or interest.

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2) *the sites the homes will be built and expected completion dates*

It was expected that the project would deliver 78 new homes across 5 London rooftop sites as follows:

- Upper Richmond Road, Putney (4 homes)
- Ross Parade, Sutton (42 homes)
- Malcolm Way, Redbridge (20 homes)
- Marion Court, Tooting (4 homes)
- Wood Street, Walthamstow (8 homes).

The homes were expected to be built over a 5 year period starting from the contract signing date. However as advised in response to Q1, the loan was not drawn down and therefore the homes anticipated have not been built with assistance from the Home Building Fund.

3) *the expected number of homes, and the number of these that are deemed "affordable homes", at each site*

78 homes were expected to be delivered across 5 sites as detailed in response to Q2. None were designated as affordable, though not all sites had achieved planning when the contract was signed.

4) *any restrictions on building method linked to the funding (e.g. built off site and lifted on cranes to minimize disturbance to residents)*

It was expected that the homes were built by Modern Methods of Construction though this was not contractually stipulated.

5) *any correspondence between Apex Airspace and Homes England*

Please find attached Annex A. We have withheld some of the information held from disclosure under the following exemptions:

Section 40 – Personal information

We have redacted information on the grounds that it constitutes third party personal data and therefore engages section 40(2) of the FOIA.

To disclose personal data, such as names, contact details, addresses, email addresses and personal opinions could lead to the identification of third parties and would breach one or more of the data protection principles.

Section 40 is an absolute exemption which means that we do not need to consider the public interest in disclosure. Once it is established that the information is personal data of a third party and release would breach one or more of the data protection principles, then the exemption is engaged.

The full text in the legislation can be found on the following link;

<https://www.legislation.gov.uk/ukpga/2000/36/section/40>



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21 - Information accessible to applicant by other means

(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

(2) For the purposes of subsection (1)—

(a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and

(b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

(3) For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2)(b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.

The full text of the legislation can be found on the following link:

<https://www.legislation.gov.uk/ukpga/2000/36/section/21>

Advice and Assistance

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA. As such we can advise that attachments to an email dated 26 February 2019 in Annex A are publicly available on the following links: [CORE \(cro.ie\)](#) and [RM Corporate Landscape AW.pdf \(randmdev.co.uk\)](#).

Section 43 - Commercial interests

Under section 43(2) Homes England is not obliged to disclose information that would, or would be likely to, prejudice the commercial interests of any party.

Information contained within emails regarding approvals, terms and conditions of funding, prospective milestones, anticipated drawdowns and financial information engages section 43(2) of the FOIA as it is commercial in nature and its release would be likely to prejudice the commercial interests of Homes England and other interested parties to the information.

Homes England has identified that the information requested, if released, would be likely to prejudice the effective operation of the Home Building Fund.

Section 43 is a qualified exemption. This means that once we have decided that the exemption is engaged, Homes England must carry out a public interest test to assess whether or not it is in the wider public interest for the information to be disclosed.



Date: 23 April 2021

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Arguments in favour of disclosure

- Homes England acknowledges there is a general public interest in promoting accountability, transparency, public understanding and involvement in how Homes England undertakes its work and how it spends public money; and
- Homes England acknowledges there may be a general interest in how we engage with partners and the process of funding under the Homes Building Fund.

Arguments in favour of withholding:

- Disclosure would result in funding applicants being deterred from including commercially sensitive information in future applications for grant funding. This will mean that Homes England would have to evaluate applications that are less comprehensive than would otherwise have been the case, meaning that Homes England's ability to undertake due diligence on the applications will be impaired. This will result in decision makers not taking all relevant information into account, meaning the decisions will be less robust and less likely to deliver value for money;
- Releasing information relating to approvals and scoring would be likely to distort our internal decision-making process, making it a less competitive and robust process. This would not be in the public interest as public funds could be allocated in a way that would distort regional need for development;
- Releasing the information would be likely to negatively impact future processes as third parties may feel unable to provide all the information requested for fear of disclosure, which would impact the ability of Government officials to make effective, informed decisions. This would be likely to negatively impact allocation of public money;
- Disclosing business positions, details of negotiations or a third party's business proposals, processes and information not in the public domain may affect their relationship with other parties, including Homes England, and affect a party's reputation in the market. This would be likely to have a negative impact on the third party's ability to procure works for ongoing development at this site. Releasing information in relation to a third party in a competitive market would be likely to distort competition, making it a less competitive process. This would not be in the public interest as it would be likely to lead to third parties being unable to secure works for market value, resulting in damage to the public purse. This would be likely to have a negative effect on future commercial activity and other lenders;
- Releasing the information could reveal financial information of a third party which may in turn affect their commercial interests. The consequences of releasing data that is part of a wider ongoing matter could damage our relationships with partners and put other potential funding allocations at risk. This would not be in the public interest as this could put potential homes in jeopardy and affect Homes England's ability to deliver against its objectives in our strategic plan; and
- Homes England has been unable to identify a wider public interest in disclosing the information requested.



Having considered the arguments for and against disclosure of the information, we have concluded that at this time, the balance of the public interest favours non-disclosure.

The full text of the legislation can be found on the following link;

<https://www.legislation.gov.uk/ukpga/2000/36/section/43>

Section 41 – Information provided in confidence

Under section 41(1)(b) of the FOIA Homes England is not obliged to disclose information to the public if it would constitute a breach of confidence.

The Facility Agreement which is held within correspondence and falls within scope of your request is subject to confidentiality provisions, and therefore section 41 of the FOIA is engaged. Information contained within the Facility Agreement includes information that has been provided to Homes England in confidence and with the expectation that it will not be publicly disclosed. We rely on this exemption to withhold from disclosure the financial and technical information contained in the Facility Agreement.

Although section 41 of the FOIA is an absolute exemption and there is no requirement to conduct a full public interest test, we can confirm that we've considered the public interest as a breach of confidence may not be actionable if there is an overriding public interest in disclosure. We feel that there is no overriding public interest in favour of disclosure.

The full text of the legislation can be found on the following link;

<https://www.legislation.gov.uk/ukpga/2000/36/section/41>

Section 42 – Legal Professional Privilege

Under section 42(1) of the FOIA Homes England is not obliged to disclose information that constitutes advice given under legal professional privilege (LPP) which protects confidential communications between lawyers and clients which is a fundamental principle of English law.

Section 42 is a qualified exemption. This means that once we have decided that the exemption is engaged, Homes England must carry out a public interest test to assess whether it is in the wider public interest for the information to be disclosed.

Arguments in favour of disclosure:

- Homes England acknowledges there is a general public interest in promoting accountability, transparency, public understanding and involvement in how Homes England undertakes its work and how it spends public money.



Arguments in favour of withholding:

- Homes England believes that there is a strong argument to withhold the correspondence held in order to safeguard full and frank legal advice, which in turn is fundamental to the administration of justice.

Having considered the arguments for and against disclosure of the information, we have concluded that at this time, the balance of the public interest favours non-disclosure.

The full text of the legislation can be found on the following link;

<https://www.legislation.gov.uk/ukpga/2000/36/section/42>

Section 31 – Law Enforcement

Under section 31(1)(a) Homes England is not obliged to disclose information that would, or would be likely to, prejudice the prevention or detection of crime.

Homes England has identified that information contained within correspondence that relates to banking requirements/arrangements of a third party engages section 31(1)(a) of the FOIA as release could result in it being fraudulently used by third parties and result in loss by criminal means to the party concerned.

Section 31 is a qualified exemption. This means that once we have decided that the exemption is engaged, Homes England must carry out a public interest test to assess whether or not it is in the wider public interest for the information to be disclosed.

Arguments in favour of disclosure:

- Homes England acknowledges there is a general public interest in promoting accountability, transparency, public understanding and involvement in how Homes England undertakes its work and how it spends public money.

Arguments in favour of withholding:

- The withheld information is bank account information of third parties. To release the information could put these third parties at risk of fraud or theft. It would not be in the public interest to release this information as if third parties felt that confidential information that could put them at risk of fraud would be released to the public it would put current and future partnerships at risk. Homes England have a duty to protect the financial interests of our partners. We would suffer reputational risk if potential future partners thought we would release confidential information. This would not be in the public interest as Homes England would not be able to achieve its objectives as set out in our strategic plan; and
- Homes England has been unable to identify a wider public interest in disclosing the information requested.



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Right to Appeal

If you are not happy with the information that has been provided or the way in which your request has been handled, you may request an internal review. You can request an internal review by writing to Homes England via the details below, quoting the reference number at the top of this letter.

Email: infogov@homesengland.gov.uk

The Information Governance Team
Homes England – 6th Floor
Windsor House
50 Victoria Street
London
SW1H 0TL

Your request for review must be made in writing, explain why you wish to appeal, and be received within 40 working days of the date of this response. Failure to meet this criteria may lead to your request being refused.

Upon receipt, your request for review will be passed to an independent party not involved in your original request. We aim to issue a response within 20 working days.

You may also complain to the Information Commissioner's Office (ICO) however, the Information Commissioner does usually expect the internal review procedure to be exhausted in the first instance.

The Information Commissioner's details can be found via the following link <https://ico.org.uk/>

Please note that the contents of your request and this response are also subject to the Freedom of Information Act 2000. Homes England may be required to disclose your request and our response accordingly.

Yours sincerely,

The Information Governance Team
For Homes England

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s. 40(2)

From: s. 40(2) @apexairspace.co.uk>
Sent: 15 November 2017 10:53
To: s. 40(2)
Subject: Knight Frank report on Airspace

Hi s. 40(2)

Please see below link to Knight Frank report in to Airspace Development and other link to a City Am story.

<http://www.telegraph.co.uk/business/2017/11/13/many-41000-homes-could-built-londons-roofs-research-finds/>

<https://www.google.co.uk/amp/www.cityam.com/275583/property-industry-urges-philip-hammond-axe-property-height/amp>

Best,

s. 40(2)

LONDON HOUSING 2017  WINNER 2017

Urban Challenge for London – World Architecture News

T: s. 40(2)
M: s. 40(2)
F: s. 40(2)
E: s. @apexairspace.co.uk

W: www.apexairspacedevelopment.co.uk



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s. 40(2)

From: s. 40(2) @apexairspace.co.uk>
Sent: 09 January 2018 16:24
To: s. 40(2)
Cc: s. 40(2)
Subject: Meeting today

Dear s. 40(2)

Thank you kindly for availing the opportunity to meet and explore further the concept of airspace. We found the meeting very encouraging and helpful, and look forward to developing a collaborative and beneficial partnership with the HCA for airspace. Please advise if you require any further information from us to assist your assessment

Many thanks

s.
40

s. 40(2)

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P: s. 40(2)

M: s. 40(2)

E: s. 40(2) @apexairspace.co.uk

W: www.apexairspacedevelopment.co.uk



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s. 40(2)

From: s. 40(2) @capitalex.co.uk>
Sent: 28 March 2018 09:49
To: s. 40(2)
Cc: s. 40(2)
Subject: Re: Apex - HCA / BGF Meeting

Morning guys,

I'm afraid I can't join today in person as I'm still unwell; however, I could join by phone if that would be helpful. You can reach me on my mobile.

Best,

s.

s. 40(2)

Capitalex

E: s. @capitalex.co.uk
M: s. 40(2)
W: www.capitalex.co.uk



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From: s. 40(2) @homesengland.gov.uk>
Date: Friday, 23 March 2018 at 13:45
To: s. 40(2) @bgf.co.uk>, s. 40(2) @capitalex.co.uk>
Cc: s. 40(2) @apexairspace.co.uk>, s. 40(2) @bgf.co.uk>, s. 40(2) @bgf.co.uk>
Subject: RE: Apex - HCA / BGF Meeting

Thanks s. Confirmed for me.

From: s. 40(2) @bgf.co.uk]
Sent: 23 March 2018 13:44
To: s. 40(2)
Cc: s. 40(2)
Subject: RE: Apex - HCA / BGF Meeting

s.

Thanks for your email.

Happy to host the meeting on Wednesday at 1400, if that works for everyone.

S. [REDACTED]
40(2)

s. 40(2)

D s. 40(2)

M s. 40(2)

13-15 York Buildings.

London

WC2N 6JU



From: s. 40(2) [REDACTED] [\[REDACTED\]@homesengland.gov.uk](mailto:[REDACTED]@homesengland.gov.uk)

Sent: 23 March 2018 09:46

To: s. 40(2) [REDACTED] [\[REDACTED\]@capitalex.co.uk](mailto:[REDACTED]@capitalex.co.uk); s. 40(2) [REDACTED] [\[REDACTED\]@bgf.co.uk](mailto:[REDACTED]@bgf.co.uk)

Cc: s. 40(2) [REDACTED] [\[REDACTED\]@apexairspace.co.uk](mailto:[REDACTED]@apexairspace.co.uk); s. 40(2) [REDACTED] [\[REDACTED\]@bgf.co.uk](mailto:[REDACTED]@bgf.co.uk); s. 40(2) [REDACTED]

s. 40(2) [REDACTED] [\[REDACTED\]@bgf.co.uk](mailto:[REDACTED]@bgf.co.uk)

Subject: RE: Apex - HCA / BGF Meeting

All,

Wednesday would be ideal if that works? I have a clear diary from 9.30.

Our London office is in the middle of being moved so unable to host I'm afraid – happy to go to either BGF or Apex

From: s. 40(2) [REDACTED] [\[REDACTED\]@capitalex.co.uk](mailto:[REDACTED]@capitalex.co.uk)

Sent: 23 March 2018 09:44

To: s. 40(2) [REDACTED]

Cc: s. 40(2) [REDACTED]

Subject: Re: Apex - HCA / BGF Meeting

Hi s. [REDACTED]
40(2)

That's fine for me but I think s. [REDACTED] has a meeting?

Alternatively, I can do any time on Wednesday.

S

s. 40(2)

Capitalex

E: s. [REDACTED] [\[REDACTED\]@capitalex.co.uk](mailto:[REDACTED]@capitalex.co.uk)

M: s. 40(2) [REDACTED]

W: www.capitalex.co.uk

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From: s. 40(2) [redacted] [@bfg.co.uk](mailto:[redacted]@bfg.co.uk)>
Date: Thursday, 22 March 2018 at 18:14
To: s. 40(2) [redacted] [@capitalex.co.uk](mailto:[redacted]@capitalex.co.uk)>, s. 40(2) [redacted] [@hca.gsi.gov.uk](mailto:[redacted]@hca.gsi.gov.uk)>
Cc: s. 40(2) [redacted] [@apexairspace.co.uk](mailto:[redacted]@apexairspace.co.uk)>, s. 40(2) [redacted] [@bfg.co.uk](mailto:[redacted]@bfg.co.uk)>, s. 40(2) [redacted] [@bfg.co.uk](mailto:[redacted]@bfg.co.uk)>
Subject: RE: Apex - HCA / BGF Meeting

Thanks s. 40(2) [redacted]

Can I suggest we meet earlier at 0930 on Tuesday as I need to be in Oxford by 1400?

Speak soon.

s. 40(2) [redacted]

s. 40(2) [redacted]

D s. 40(2) [redacted]

M s. 40(2) [redacted]

13-15 York Buildings.
London
WC2N 6JU



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From: s. 40(2) [redacted] <[\[redacted\]@capitalex.co.uk](mailto:[redacted]@capitalex.co.uk)>
Sent: 22 March 2018 17:58
To: s. 40(2) [redacted] <[\[redacted\]@hca.gsi.gov.uk](mailto:[redacted]@hca.gsi.gov.uk)>; s. 40(2) [redacted] <[\[redacted\]@bgf.co.uk](mailto:[redacted]@bgf.co.uk)>
Cc: s. 40(2) [redacted] <[\[redacted\]@apexairspace.co.uk](mailto:[redacted]@apexairspace.co.uk)>; s. 40(2) [redacted] <[\[redacted\]@bgf.co.uk](mailto:[redacted]@bgf.co.uk)>; s. 40(2) [redacted] <[\[redacted\]@bgf.co.uk](mailto:[redacted]@bgf.co.uk)>
Subject: Apex - HCA / BGF Meeting

Hello both,

As s. [redacted] and I have just discussed, it would be good to get a time in the diary to meet to discuss intercreditor requirements, process and working together.

s. [redacted] suggested Tuesday next week after 11am – does this suit you, s. [redacted]? From our side it will just be me – as s. [redacted] is unable to join.

Many thanks,

s. [redacted]

-

s. 40(2) [redacted]
Capitalex

E: s. [redacted] <[\[redacted\]@capitalex.co.uk](mailto:[redacted]@capitalex.co.uk)>
M: s. 40(2) [redacted]
W: www.capitalex.co.uk



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Homes England is the trading name of the Homes and Communities Agency. Our address for service of legal documents is Arpley House, 110 Birchwood Boulevard, Birchwood, Warrington, WA3 7QH. VAT no: 941 6200 50. Unless expressly agreed in writing, Homes England accepts no liability to any persons in respect of the contents of this email or attachments.

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For information about how we process data and monitor communications please see our [Personal Information Charter](#).

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s. 40(2)

From: s. 40(2) @apexairspace.co.uk>
Sent: 08 May 2018 13:35
To: s. 40(2) Accounts
Subject: Re: Home Building Fund Application 002420 – Partner Portal user ID – ACTION REQUIRED

Thank you s. 40(2)

I had filled in Malcolm Way details so I have submitted with one site. Hope its ok?

Best,

s. 40(2)

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M: s. 40(2)
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E: s. @apexairspace.co.uk
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From: s. 40(2) @homesengland.gov.uk>
Sent: 08 May 2018 13:31
To: s. 40(2) ; Accounts
Subject: RE: Home Building Fund Application 002420 – Partner Portal user ID – ACTION REQUIRED
No it's fine as it is s. – doesn't have to be hugely detailed.

From: s. 40(2) @apexairspace.co.uk]
Sent: 08 May 2018 13:31
To: s. 40(2) ; Accounts
Subject: Re: Home Building Fund Application 002420 – Partner Portal user ID – ACTION REQUIRED

Hi s. 40(2)
Shall we enter details of all six sites ?

Best,
s. 40(2)

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From: s. 40(2) [redacted] [@homesengland.gov.uk](mailto:[redacted]@homesengland.gov.uk)>

Sent: 08 May 2018 13:13

To: s. 40(2) [redacted]; Accounts

Subject: RE: Home Building Fund Application 002420 – Partner Portal user ID – ACTION REQUIRED

Thanks s. [redacted]

The attached email has just been sent to you – I have completed the application for you so I would be grateful if you could submit it on the system. I will then progress things here. Apologies about the processing but it is required prior to going forward to committee.

Thanks

s. [redacted]

From: s. 40(2) [redacted] [@apexairspace.co.uk](mailto:[redacted]@apexairspace.co.uk)

Sent: 08 May 2018 13:02

To: s. 40(2) [redacted]; Accounts

Subject: Re: Home Building Fund Application 002420 – Partner Portal user ID – ACTION REQUIRED

Hi s. [redacted]

Hope you enjoyed the sunny bank holiday weekend.

s. [redacted] is off today but I have created the account and user ID is s. 40(2) [redacted]

Please let me know if we need anything else done to help progress application.

Best,

s. 40(2) [redacted]

LONDON HOUSING 2017  WINNER 2017

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T: s. 40(2) [redacted]

M: s. 40(2) [redacted]

F: s. 40(2) [redacted]

E: s. [redacted] [@apexairspace.co.uk](mailto:[redacted]@apexairspace.co.uk)

W: www.apexairspacedevelopment.co.uk



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From: s. 40(2) [redacted] [@homesengland.gov.uk](mailto:[redacted]@homesengland.gov.uk)>

Sent: 08 May 2018 09:41

To: s. 40(2) [redacted]; Accounts

Cc: s. 40(2) [redacted]

Subject: Home Building Fund Application 002420 – Partner Portal user ID – ACTION REQUIRED

Dear s. [redacted]

In order to progress Apex's application with the Home Building Fund could you please create a partner portal user ID on our system (see link below) at your earliest convenience? Once completed could you please also advise me of the user ID.

Many thanks

S. [REDACTED]
Dear S. 40(2) [REDACTED],

To progress your application, your Homes England contact needs to know your Homes England Partner Portal user ID. We use the Homes England Partner Portal to share information whether you are bidding for funding or support, or updating us with how your projects are progressing.

Please click <https://partners.homesengland.org.uk/Portal/Account/Register> to go to the Homes England Partner Portal log in page. From here you will be able to create an Homes England Partner Portal account or receive a reminder to log in to an existing one.

Make a note of your Homes England Partner Portal user ID and have it ready when you speak with your Homes England contact.

If you have any difficulties please discuss with S. 40(2) [REDACTED] in the first instance or contact us at HomeBuildingFund@homesengland.gov.uk

Regards,

Home Building Fund Application Team

Phone: 0300 1234 500

Email: HomeBuildingFund@homesengland.gov.uk

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s. 40(2)

From: s. 40(2) @apexairspace.co.uk>
Sent: 10 May 2018 09:22
To: s. 40(2)
Subject: INVITATION: Apex Airspace Development/HTA Event - 23 May

Good Morning,

On behalf of Apex Airspace Development, we would like to invite you to an exciting event on **Wednesday, 23 May**.



There are prospects for a revolution in permitted development rules enabling building owners to exploit air rights – both in the NPPF and the Draft London Plan now out for consultation. Despite this, fewer than 2% of new homes in London result from upward extension of existing property. Yet London’s rooftops present a vast, untapped resource for providing additional homes.

HTA Design LLP in recent studies estimated the potential within London to be in the region of 180,000 additional self-contained homes. The potential is much more if the capacity for creating additional habitable rooms is also taken into account. Whilst some might argue this would only support the affluent to create even larger homes, adding additional habitable rooms does create the opportunity to subdivide current single homes into more units.

Sajid Javid has said that it is ‘remarkable’ that the Government wants to make it so straightforward for those who want to build upwards. But will clauses supportive of upward extension in the Draft London Plan and the current NPPF consultation deliver on the promise of effective, quality, urban intensification?

Some of the key questions this event explores include:

- How is planning policy evolving to support upward development?
- What is the potential capacity in deliverable numbers?
- What are the planning and technical constraints in considering building on rooftops?
- Who is actually building upwards? How do we create capacity amongst community groups, public sector land owners and enabling developers?

- How do we ensure good design and good placemaking in building upwards?

The evening will hear from:

- Ben Derbyshire, President RIBA –Urban Intensification and importance of design/good placemaking
- Riette Oosthuizen, HTA - Policy changes
- Val Bagnall, Apex Airspace Developments - The development business model
- John Myers, London YIMBY - Turning NIMBYs to YIMBYs
- Ascha Lychett Pedersen, theRIM – app for the potential for people to come together and change their environment

The event will conclude with a short panel discussion followed by drinks and canapés.

Please RSVP at <https://www.eventbrite.co.uk/e/building-up-not-out-tickets-45381944618>

We hope to see you there!

Kind regards,
Apex Airspace Development

s. 40(2)

LONDON HOUSING 2017  WINNER 2017

Urban Challenge for London – World Architecture News

P: s. 40(2)

M: s. 40(2)

E: s. 40(2) [@apexairspace.co.uk](mailto:s.40(2)@apexairspace.co.uk)

W: www.apexairspacedevelopment.co.uk



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s. 40(2)

From: s. 40(2) @apexairspace.co.uk>
Sent: 17 May 2018 13:26
To: s. 40(2)
Subject: RE: Apex Airspace

Hi s. 40(2) forgive the hounding, are you in a position to advise when matters will be taken to your committee

s. 40(2)

s. 40(2)

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P: s. 40(2)
M: s. 40(2)
E: s. 40(2) @apexairspace.co.uk
W: www.apexairspacedevelopment.co.uk



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From: s. 40(2) @homesengland.gov.uk]
Sent: 14 May 2018 16:33
To: s. 40(2) @apexairspace.co.uk>
Subject: RE: Apex Airspace

Hi s. 40(2)

Hope you had a good break. I'm in the middle of getting the paper into shape so I'll drop you a line tomorrow if ok, when I should also be able to confirm the date for committee.

Thanks

s. 40(2)

From: s. 40(2) @apexairspace.co.uk]
Sent: 14 May 2018 15:11
To: s. 40(2)
Subject: Apex Airspace

Hi [REDACTED] hope you are well. Just checking to see if you require any further information from us for your next committee

S. [REDACTED]

s. 40(2)

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P: s. 40(2)

M: s. 40(2)

E: s. [REDACTED]@apexairspace.co.uk

W: www.apexairspacedevelopment.co.uk



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s. 40(2)

From: s. 40(2) @apexairspace.co.uk>
Sent: 18 May 2018 14:31
To: s. 40(2)
Subject: BGF

Hi s. 40(2) just to confirm transaction with BGF now complete

s. 40(2)

s. 40(2)

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P: s. 40(2)

M: s. 40(2)

E: s. 40(2) @apexairspace.co.uk

W: www.apexairspacedevelopment.co.uk



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s. 40(2)

From: s. 40(2) [redacted]@apexairspace.co.uk>
Sent: 24 May 2018 17:46
To: s. 40(2) [redacted]
Subject: For information

Hi s. [redacted] should have mentioned that also on the 31st May , Apex has been invited by the Communities Secretary , James Brokenshire, to join an industry leaders round table discussion on housing innovation and delivery .

Sort of coincidence but hope assists your committees review of our application

s. [redacted]

Sent from my iPhone

s. 40(2)

From: s. 40(2) @apexairspace.co.uk>
Sent: 29 May 2018 08:14
To: s. 40(2)
Subject: RE: Committee update

No problem s. 40(2) – see you later

s. 40(2)

s. 40(2)

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P: s. 40(2)
M: s. 40(2)
E: s. 40(2) @apexairspace.co.uk
W: www.apexairspacedevelopment.co.uk



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From: s. 40(2) @homesengland.gov.uk]
Sent: 29 May 2018 07:44
To: s. 40(2) @apexairspace.co.uk>
Subject: RE: Committee update

Great thanks s. 40(2). See you at 11 - we may be joined by a colleague of mine, s. 40(2), who will be assisting me with the legal and property d/d post approval. Please let me know if that is an issue at all.

On 28 May 2018 21:37, s. 40(2) @apexairspace.co.uk> wrote:
Sure thatll be great – see you at 11 – note new office address at 111 Baker Street

s. 40(2)

LONDON HOUSING 2017  WINNER 2017
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P: s. 40(2)

M: s. 40(2)

E: s. @apexairspace.co.uk

W: www.apexairspacedevelopment.co.uk



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From: s. 40(2) @homesengland.gov.uk]

Sent: 28 May 2018 18:54

To: s. 40(2) @apexairspace.co.uk>

Subject: Re: Committee update

s. if it's not too much trouble 11am at your office tomorrow would be great.

Congrats on the Telegraph coverage which I saw today

On 25 May 2018 17:37, s. 40(2) @apexairspace.co.uk> wrote:

s. - if you want to come to our office say 11 at our new address 111 Baker Street - could take you to Abbey Road and perhaps Tesco Harrow site - but won't have time to take you to other sites in Tuesday

Hope that may help a bit

s.

Sent from my iPhone

On 25 May 2018, at 17:30, s. 40(2) @homesengland.gov.uk> wrote:

No problem s. I'm in London on Tuesday any way and have a free morning so will take myself up to a few of the locations just to familiarise myself. Will get back to you on availability to visit Abbey road.

Thank you regarding the information- any questions please don't hesitate to contact me.

Have a great weekend too.

On 25 May 2018 17:13, s. 40(2) @apexairspace.co.uk> wrote:

Hi s. sorry didn't come back to you on visits - This Tuesday is very difficult as have couple out for early part of next week - any other time convenient ?

I can get as much as that info as we can early next week, but some of it maybe premature at this point -

Have a fabulous weekend

S.
40

Sent from my iPhone

On 25 May 2018, at 16:56, s. 40(2) <[redacted]>@homesengland.gov.uk> wrote:

Hi S.

I have just spoken with my Risk team who review all new deals prior to presentation at committee. I have received positive feedback however they have requested additional information on each individual site prior to taking the deal to committee next week. This was something I wanted to cover later through our normal due diligence process however owing to the complexity of the transaction this information has been requested upfront.

In particular they have requested:

- Site specific narrative, including any construction constraints;
- Brief local market analysis for each scheme including average price psf in the area;
- Works to be completed to existing structures as part of wider airspace development;
- Specific details regarding planning approval for each scheme (detailed/outline, no. of affordable, any CIL/S106 etc);
- Which manufacturer will be used for each scheme – happy to keep this to Marion Court and Malcolm Way as the two schemes ready to go;
- How airspace costs have been calculated for each scheme – residual valuation or costs of upgrades to existing building to be paid as consideration.

Would you be able to arrange for this information to be collated?

Unfortunately following this request our committee date will be a week later on 6th June. My apologies.

If you would like to discuss further please don't hesitate to give me a call.

Kind regards

S.
40

s. 40(2) [redacted] Investments

Homes England | 2 Rivergate | Temple Quay | Bristol | BS1 6EH
E: s. 40(2) <[redacted]>@homesengland.gov.uk
T: s. 40(2) [redacted]
M: s. 40(2) [redacted]

<image001.jpg> <image002.png> <image003.png>

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s. 40(2)

From: s. 40(2) @apexairspace.co.uk>
Sent: 30 May 2018 17:43
To: s. 40(2)
Subject: Fwd: Additional info

s. 40(2) I've got it but I need to edit and proof read - I could send it as is and you could review and take what you want if you would prefer, as it's in my line of things to do this evening

s. 40(2)

Sent from my iPhone

Begin forwarded message:

From: s. 40(2) @homesengland.gov.uk>
Date: 30 May 2018 at 17:26:58 BST
To: s. 40(2) @apexairspace.co.uk" s. 40(2) @apexairspace.co.uk>
Subject: Additional info

Hi s. 40(2)

My apologies for the chase but I spoke to one of your team earlier who was kindly going to send the additional information across but I haven't received anything as yet. Ultimately if he could send through what he has that would be great - I have a deadline for tomorrow morning to send the revised paper to my Risk team so I'm keen to get it into shape tonight.

Many thanks

s. 40(2)

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s. 40(2)

From: s. 40(2) @apexairspace.co.uk>
Sent: 01 June 2018 13:14
To: s. 40(2)
Subject: RE: SDLT question

Yes, s. 40(2) we have factored in to our cashflows.

s. 40(2)

s. 40(2)

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P: s. 40(2)
M: s. 40(2)
E: s. 40(2) @apexairspace.co.uk
W: www.apexairspacedevelopment.co.uk



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From: s. 40(2) @homesengland.gov.uk]
Sent: 01 June 2018 11:44
To: s. 40(2) @apexairspace.co.uk>
Subject: SDLT question

Hi s. 40(2)

I've been asked a question in relation to SDLT that I'm sure I know the answer to but wanted to confirm – can you confirm that SDLT has been factored into the scheme cashflows, including any SDLT that will be payable upon the transfer of leases / options into each scheme's SPV? I don't have the granularity in the cash flow provided.

Thanks

s. 40(2)

s. 40(2) Investments

Homes England | 2 Rivergate | Temple Quay | Bristol | BS1 6EH
E: s. 40(2) @homesengland.gov.uk
T: s. 40(2)



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s. 40(2)

From: s. 40(2) @apexairspace.co.uk>
Sent: 04 June 2018 12:27
To: s. 40(2)
Subject: RE: Update

That's great s. 40(2) – look forward to a positive outcome

<http://www.cityam.com/286549/london-airspace-property-developer-apex-housing-hits-new>

See above which was a pick up of last weeks Telegraph feature

s. 40(2)

s. 40(2)

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P s. 40(2)

M: s. 40(2)

E: s. 40(2) @apexairspace.co.uk

W: www.apexairspacedevelopment.co.uk



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From: s. 40(2) @homesengland.gov.uk]
Sent: 04 June 2018 10:28
To: s. 40(2) @apexairspace.co.uk>
Subject: Update

s. 40(2)

Hope you had a good weekend.

Just to advise that we are confirmed at committee for this Wednesday – I'll give you a call when we're done late afternoon. In the meantime I have started getting lawyers lined up.

Thanks

s. 40(2)

s. 40(2)

Investments

Homes England | 2 Rivergate | Temple Quay | Bristol | BS1 6EH

E: s. 40(2) [@homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)

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s. 40(2)

From: s. 40(2) @apexairspace.co.uk>
Sent: 14 June 2018 17:06
To: s. 40(2)
Subject: Re: HoTs

Hi s. 40(2)

There are couple of things I wanted to discuss. Please let me know a convenient time for a call.

Best,

s. 40(2)

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T: s. 40(2)
M: s. 40(2)
F: s. 40(2)
E: s. @apexairspace.co.uk

W: www.apexairspacedevelopment.co.uk



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From: s. 40(2) @homesengland.gov.uk>

Sent: 14 June 2018 09:46

To: s. 40(2)

Subject: HoTs

Dear s. 40(2) and s. 40(2)

I hope you are well.

I just thought I would drop you a line to see if you had any thoughts or queries on the Hots?

We have obtained quotes for the valuer and lawyers so it would be good to discuss these with you.

Thanks

s. 40(2)

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s. 40(2)

From: s. 40(2)
Sent: 10 October 2019 16:43
To: s. 40(2)
Subject: FW: Professional Fee Quotes

s.
40(2)

Please see below re confirmation of the valuation & MS fees re Apex from last June in case of need.

Regards.

s.
40(2)

s. 40(2)



s. 40(2)

s. 40(2)

7th Floor Windsor House
50 Victoria Street
London
SW1H 0TL

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We're the government's housing accelerator. We have the appetite, influence, expertise and resources to drive positive market change. [Find out more and help make this happen.](#)



From: s. 40(2) [redacted] [redacted]@apexairspace.co.uk]
Sent: 19 June 2018 17:18
To: s. 40(2) [redacted]
Cc: s. 40(2) [redacted]
Subject: Re: Professional Fee Quotes

Thanks s. 40(2) - look forward to it

s.
40(2)

Sent from my iPhone

On 19 Jun 2018, at 17:02, s. 40(2) [redacted]@homesengland.gov.uk> wrote:

S. [redacted]

Great, thanks for confirming. I'll make the relevant appointments and let you know contact details etc.

Kind regards.

S. [redacted]

s. 40(2) [redacted]

Transactions South
Homes England
7th Floor Windsor House, 50 Victoria Street, London SW1H 0TL
E: s. 40(2) [redacted] [@homesengland.gov.uk](mailto:s.40(2)[redacted]@homesengland.gov.uk)

T: s. 40(2) [redacted]

M: s. 40(2) [redacted]

<image001.jpg>

<image002.png>

<image003.jpg>

<image004.jpg>

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Please forward any Freedom of Information Requests to: enquiries@homesengland.gov.uk

From: s. 40(2) [redacted] [@apexairspace.co.uk](mailto:s.40(2)[redacted]@apexairspace.co.uk)

Sent: 19 June 2018 16:52

To: s. 40(2) [redacted]

Cc: s. 40(2) [redacted]

Subject: Re: Professional Fee Quotes

Thanks S. [redacted] - just to confirm fees are confirmed . Our solicitors are waiting to take forward

Many thanks

S. [redacted]

Sent from my iPhone

On 19 Jun 2018, at 15:53, s. 40(2) [redacted] [@homesengland.gov.uk](mailto:s.40(2)[redacted]@homesengland.gov.uk) wrote:

Hi S. [redacted] & S. [redacted]

Apologies for chasing so soon but I just wondered if you had managed to look at the fee quotes as yet, in view of timing we are keen to get the professionals appointed asap. Of course if you have any questions or queries then do please let me know.

Kind regards.

S. [redacted]

s. 40(2) [redacted]

Transactions South
Homes England
7th Floor Windsor House, 50 Victoria Street, London SW1H 0TL
E: s. 40(2) [redacted] [@homesengland.gov.uk](mailto:s.40(2)[redacted]@homesengland.gov.uk)

T: s. 40(2)
M: s. 40(2)

<image001.jpg>

<image002.png>

<image003.jpg>

<image004.jpg>

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From: s. 40(2)
Sent: 15 June 2018 14:05
To: s. 40(2)
Cc: s. 40(2)
Subject: Professional Fee Quotes

S. and S.

We are now in receipt of the fee quotes from the various professionals to act for the Agency on the loan financing and I've set these out below. Could you please take a look at these and confirm if they are acceptable or let me know if you have any questions. Once I have received the completed fee indemnity from you (S. sent this through last week) I will make the relevant appointments asap.

Legals

Firm – Mills & Reeve LLP – indicative total quote of s. 43 excluding Vat broken down as follows

To complete the Finance agreement and associated documentation plus initial diligence - s. 43 excluding Vat

Initial drawdown re Marion Court - s. 43 excluding Vat

As the breakdown suggests the scope covers 1) the funding agreement and other finance docs including the intercreditor with BGF, 2) the initial diligence to get us comfortable with the process (e.g. development lease structure) and 3) the specific diligence and security to complete the first financing in relation to Marion Court. Note that an element of discounting has been incorporated into the fees by M&R to reflect the repeat nature of some aspects of the work.

As outlined S.'s email last week the assumption is that all the borrowing companies are incorporated at the outset and can enter into the necessary finance documents at that stage. Should this not be the case then it will likely mean the companies acceding to the agreements at a later stage which I imagine will impact on the cost.

Please note there will be additional future costs for the security that can't be taken on day one (e.g. legal charge, warranties) and relevant diligence for the other sites as each is funded.

Valuation

Firm – Lambert Smith Hampton - s. excluding Vat for each of the first 2 sites at Marion Court and Malcolm Way

Monitoring Surveyor

Firm - Aecom – Marion Court only - Initial report **S. 43** excluding Vat and thereafter monthly monitoring reports at **S. 43** per month excluding Vat

As mentioned above if you have any queries on any aspect of the fee quotes then please do let either **S.** or myself know and I look forward to hearing from you shortly.

Kind regards.

S.

s. 40(2)

Transactions South

Homes England

7th Floor Windsor House, 50 Victoria Street, London SW1H 0TL

E: **s. 40(2)** [@homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)

T: **s. 40(2)**

M: **s. 40(2)**

<image005.jpg>

<image006.jpg>

<image007.jpg>

<image008.jpg>

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s. 40(2)

From: s. 40(2) @apexairspace.co.uk>
Sent: 13 July 2018 13:20
To: s. 40(2)
Cc: s. 40(2)
Subject: Contact

s.
40(2)

Ditto and thanks too for the contact details, appreciated. I'm getting more involved with the Homes England deal and enjoying the process. Good session with the lawyers yesterday, so some issues to work through as you'd expect but my sense is that all resolvable. Looking forward to further dialogue.

Best

s. 40(2)

LONDON HOUSING 2017  WINNER 2017
Urban Challenge for London – World Architecture News

P: s. 40(2)
M: s. 40(2)
E: s. 40(2) @apexairspace.co.uk
W: www.apexairspacedevelopment.co.uk



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From: s. 40(2) altby@homesengland.gov.uk]
Sent: 13 July 2018 09:28
To: s. 40(2) @apexairspace.co.uk>
Subject: Contact

Hi s. 40(2)

Good to catch up yesterday and I hope you'll be involved in getting the Apex / Homes England deal across the line.

As requested, s. 40(2)'s contact details as follows:

s. 40(2) [@homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)

Best

s.
40(2)

s. 40(2)

Investments

Homes England | 2 Rivergate | Temple Quay | Bristol | BS1 6EH

E: s. 40(2) [@homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)

T: s. 40(2)

M: s. 40(2)



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s. 40(2)

From: s. 40(2) [redacted] <[redacted]@apexairspace.co.uk>
Sent: 19 July 2018 14:17
To: s. 40(2) [redacted]
Cc: s. 40(2) [redacted]
Subject: RE: Contact

Cool. Ditto.

s. 40(2)

LONDON HOUSING 2017  WINNER 2017

Urban Challenge for London – World Architecture News

P: s. 40(2) [redacted]
M: s. 40(2) [redacted]
E: s. 40(2) [redacted]@apexairspace.co.uk
W: www.apexairspacedevelopment.co.uk



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From: s. 40(2) [redacted] <[redacted]@homesengland.gov.uk>
Sent: 19 July 2018 14:16
To: s. 40(2) [redacted] <[redacted]@apexairspace.co.uk>
Cc: s. 40(2) [redacted] <[redacted]@homesengland.gov.uk>
Subject: RE: Contact

Now is good for us – we'll dial in now

From: s. 40(2) [redacted] <[redacted]@apexairspace.co.uk>
Sent: 19 July 2018 14:13
To: s. 40(2) [redacted]
Cc: s. 40(2) [redacted]
Subject: RE: Contact

You are correct!! My mistake, but we're good to go now if you both are?

s. 40(2)

P: s. 40(2)
M: s. 40(2)
E: s. 40(2) [@apexairspace.co.uk](mailto:s.40(2)@apexairspace.co.uk)
W: www.apexairspacedevelopment.co.uk



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From: s. 40(2) [@homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)
Sent: 19 July 2018 14:12
To: s. 40(2) [@apexairspace.co.uk](mailto:s.40(2)@apexairspace.co.uk)>
Cc: s. 40(2) [@homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)>
Subject: RE: Contact

s. 40(2) I think we're on at 3 aren't we?!

From: s. 40(2) [@apexairspace.co.uk](mailto:s.40(2)@apexairspace.co.uk)
Sent: 19 July 2018 14:11
To: s. 40(2)
Cc: s. 40(2)
Subject: RE: Contact

s.
40(2)

Sorry for further delay but am just waiting for s. 40(2) to finish a call and join me – hope to dial in very shortly. Will mail when doing so to save you hanging on.

s. 40(2)

P: s. 40(2)
M: s. 40(2)
E: s. 40(2) [@apexairspace.co.uk](mailto:s.40(2)@apexairspace.co.uk)
W: www.apexairspacedevelopment.co.uk



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From: s. 40(2) [redacted] [@homesengland.gov.uk](mailto:[redacted]@homesengland.gov.uk)
Sent: 19 July 2018 13:43
To: s. 40(2) [redacted] [@apexairspace.co.uk](mailto:[redacted]@apexairspace.co.uk)>
Cc: s. 40(2) [redacted] [@homesengland.gov.uk](mailto:[redacted]@homesengland.gov.uk)>
Subject: RE: Contact

No problem s. 40(2) s. [redacted] fyi

From: s. 40(2) [redacted] [@apexairspace.co.uk](mailto:[redacted]@apexairspace.co.uk)
Sent: 19 July 2018 13:43
To: s. 40(2) [redacted]
Subject: RE: Contact

s. 40(2) [redacted]

Are you OK if we delay the call by 10 minutes please?

Best

s. 40(2) [redacted]

LONDON HOUSING 2017  **WINNER 2017**
Urban Challenge for London – World Architecture News

P: s. 40(2) [redacted]
M: s. 40(2) [redacted]
E: s. 40(2) [redacted] [@apexairspace.co.uk](mailto:[redacted]@apexairspace.co.uk)
W: www.apexairspacedevelopment.co.uk



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From: s. 40(2)
Sent: 17 July 2018 11:01
To: s. 40(2) [@homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)>
Cc: s. 40(2) [@apexairspace.co.uk](mailto:s.40(2)@apexairspace.co.uk)>
Subject: RE: Contact

s.
40(2)

Thanks and appreciate the flexibility. I just need to get hold of s. 40(2)'s diary then can sort a time for us.

Best

s. 40(2)

ent: 17 July 2018 10:53
To: s. 40(2) [@apexairspace.co.uk](mailto:s.40(2)@apexairspace.co.uk)>
Subject: RE: Contact

s. 40(2) I could get to London for an all parties f2f on Friday morning - need to check availability of others our side but just so you are aware if that is the preferable format

On 17 Jul 2018 10:41, s. 40(2) [@apexairspace.co.uk](mailto:s.40(2)@apexairspace.co.uk)> wrote:

s.
40(2)

Can we still chat briefly at 2pm please, would be helpful to share with you latest thinking on approach.

Best

s. 40(2)



P: s. 40(2)

M: s. 40(2)

E: s. 40(2) [@apexairspace.co.uk](mailto:s.40(2)@apexairspace.co.uk)

W: www.apexairspacedevelopment.co.uk



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From: s. 40(2) [redacted] [@homesengland.gov.uk](mailto:[redacted]@homesengland.gov.uk)
Sent: 17 July 2018 10:39
To: s. 40(2) [redacted] [@apexairspace.co.uk](mailto:[redacted]@apexairspace.co.uk)>
Cc: s. 40(2) [redacted] [@homesengland.gov.uk](mailto:[redacted]@homesengland.gov.uk)>
Subject: RE: Contact

Hi s. 40(2) [redacted]

Apologies, we've just had the mark ups through from Winkworths – we'd like a bit of time to review and digest. Could we instead catch up tomorrow morning at 11.30?

Thanks

S. [redacted]

From: s. 40(2) [redacted] [@apexairspace.co.uk](mailto:[redacted]@apexairspace.co.uk)
Sent: 17 July 2018 10:22
To: s. 40(2) [redacted]

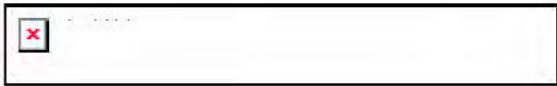
Cc: s. 40(2)
Subject: RE: Contact

s. 40(2)

Certainly. Look forward to speaking then.

Best

s. 40(2)



P: s. 40(2)

M: s. 40(2)

E: s. 40(2) [@apexairspace.co.uk](mailto:s.40(2)@apexairspace.co.uk)

W: www.apexairspacedevelopment.co.uk



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From: s. 40(2) [@homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)

Sent: 17 July 2018 10:20

To: s. 40(2) [redacted]@apexairspace.co.uk>
Subject: RE: Contact

Hi s. 40(2)

I'm in a call at the moment and then heading into a meeting. Could I give you a call today at 2?

Thanks

s. 40(2)

From: s. 40(2) [redacted]@apexairspace.co.uk]
Sent: 17 July 2018 10:19
To: s. 40(2) [redacted]
Cc: s. 40(2) [redacted]
Subject: RE: Contact

s. 40(2)

It would be great if you could call me when you have a moment. I'm keen to follow up on discussions around the facility soonest.

Kind regards

s. 40(2) [redacted]



P: s. 40(2) [redacted]

M: s. 40(2) [redacted]

E: s. 40(2)@apexairspace.co.uk

W: www.apexairspacedevelopment.co.uk



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From: s. 40(2) [redacted] [@homesengland.gov.uk](mailto:[redacted]@homesengland.gov.uk)
Sent: 13 July 2018 09:28
To: s. 40(2) [redacted] [@apexairspace.co.uk](mailto:[redacted]@apexairspace.co.uk)>
Subject: Contact

Hi s. 40(2) [redacted]

Good to catch up yesterday and I hope you'll be involved in getting the Apex / Homes England deal across the line.

As requested, s. 40(2) [redacted]'s contact details as follows:

s. 40(2) [redacted] [@homesengland.gov.uk](mailto:[redacted]@homesengland.gov.uk)

Best

s. [redacted]

s. 40(2) [redacted]

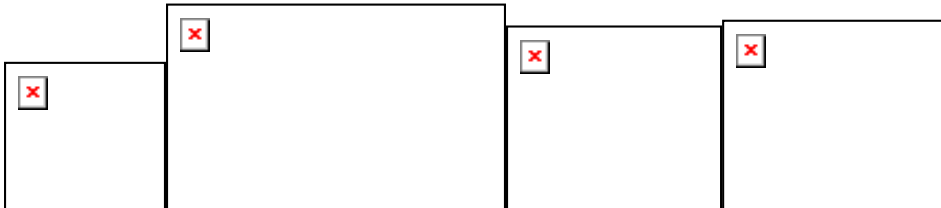
[redacted] Investments

Homes England | 2 Rivergate | Temple Quay | Bristol | BS1 6EH

E: s. 40(2) [@homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)

T: s. 40(2)

M: s. 40(2)



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s. 40(2)

From: s. 40(2) @apexairspace.co.uk>
Sent: 17 July 2018 17:41
To: s. 40(2)
Cc: s. 40(2)
Subject: RE: FW: Homes England/Apex facility agreement

s.
40(2)

Sure and thus the intention to have a subsequent call/ meeting with our respective counsel's. I just want to ensure that the foundations are right first.

Best

s. 40(2)

From: s. 40(2) @homesengland.gov.uk]
Sent: 17 July 2018 17:22
To: s. 40(2) @apexairspace.co.uk>
Cc: s. 40(2) @homesengland.gov.uk>
Subject: Re: FW: Homes England/Apex facility agreement

Hi s. 40(2)

Thanks for this. Happy to cover these points as far as we can but we will probably need to refer back to our lawyers before confirming our position on certain points.

Thanks

s.
40(2)

On 17 Jul 2018 17:17, s. 40(2) @apexairspace.co.uk> wrote:

s.
40(2)

Please see attached a clean copy of the Winckworth comments and a corporate structure chart. In terms of our discussion Thursday, I propose that we focus on the key deal related points which are:

1. Security Structure
2. Most Favoured lender status
3. Change of Control
4. Principle approach to events of default and mandatory prepayments including cure rights and grace periods
5. Hedging requirement (not on the lawyers list but we need to cover it).

Once we are agreed on the fundamental deal points then the lawyers can get engaged and document the deal so we can move forward swiftly.

s. 40(2)

LONDON HOUSING 2017  WINNER 2017

Urban Challenge for London – World Architecture News

P: s. 40(2)

M: s. 40(2)

E: s. 40(2) @apexairspace.co.uk

W: www.apexairspacedevelopment.co.uk



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s. 40(2)

From: s. 40(2) @apexairspace.co.uk>
Sent: 20 July 2018 11:31
To: s. 40(2)
Subject: Re: Construction and Property DD

Yes s. 40(2) - will do

s. 40(2)

Sent from my iPhone

On 20 Jul 2018, at 11:21, s. 40(2) @homesengland.gov.uk> wrote:

Hi s. 40(2)
I've had a look through the construction info sent to Aecom and our lawyers will want to review documents more along the lines of the construction contract, collateral warranties, insurance, structural surveys, the development lease etc. I think the best way to ensure you have a comprehensive list is to speak to Winkworths on the property and construction sides – Mills & Reeve has sent them details of all information they/we require to complete due diligence. Please let me know if Winkworths either don't have this request or are unclear in what is required.

Many thanks

s. 40(2)

s. 40(2)

Investments
Homes England | 2 Rivergate | Temple Quay | Bristol | BS1 6EH

E: s. 40(2) @homesengland.gov.uk

T: s. 40(2)

M: s. 40(2)

<image003.jpg> <image004.png> <image005.jpg> <image006.jpg>

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From: s. 40(2) @apexairspace.co.uk]

Sent: 19 July 2018 18:04

To: s. 40(2)

Cc: s. 40(2)

Subject: RE: Construction and Property DD

Thanks s. 40(2) I know my colleague as passed on range of construction docs to s. 40(2) at Aecom- I will review the other docs tomorrow to see what else we can supply

s. 40(2)

s. 40(2)

<image001.png>

P: s. 40(2)

M: s. 40(2)

E: s. 40(2) @apexairspace.co.uk

W: www.apexairspacedevelopment.co.uk

<image002.jpg>

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From: s. 40(2) [redacted] [@homesengland.gov.uk](mailto:[redacted]@homesengland.gov.uk)
Sent: 19 July 2018 17:07
To: s. 40(2) [redacted] [@apexairspace.co.uk](mailto:[redacted]@apexairspace.co.uk); s. 40(2) [redacted] [@apexairspace.co.uk](mailto:[redacted]@apexairspace.co.uk);
s. 40(2) [redacted] [@apexairspace.co.uk](mailto:[redacted]@apexairspace.co.uk); s. 40(2) [redacted] [redacted]
s. 40(2) [redacted] [@homesengland.gov.uk](mailto:[redacted]@homesengland.gov.uk); s. 40(2) [redacted] [@homesengland.gov.uk](mailto:[redacted]@homesengland.gov.uk)
Subject: Construction and Property DD
Hi s. 40(2) [redacted]

A point we didnt pick up on our call but needs to be flagged -
I'm pleased that we're kicking on with the finance documents but we have yet to receive information on the construction and property aspects, including template leases. Whilst we can include some points as CPs to funding, we will need the property and construction dd completed or certainly well advanced before we can sign documents. I attach the CP checklist which is with Winkworths for your info.

I know that you are engaged with F1 with regard to the contract on Marion Court but if you could prioritise these elements alongside the finance aspects it will give us the best chance of concluding matters swiftly.

Many thanks

s. [redacted]
16/

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s. 40(2)

From: s. 40(2) @apexairspace.co.uk>
Sent: 20 July 2018 16:08
To: s. 40(2)
Cc: s. 40(2)
Subject: RE: Apex - intercreditor

s.
40(2)

Thanks for the flag and will follow up.

Best

s. 40(2)

From: s. 40(2) @homesengland.gov.uk]
Sent: 20 July 2018 12:37
To: s. 40(2) @apexairspace.co.uk>
Subject: Apex - intercreditor

Hi s. 40(2)

We have yet to receive any feedback on the ICD principles sent last week. I appreciate this is with BGF but I believe we are communicating through Winkworth's at present. Could you follow this up as well and supply contact details for BGF's lawyers?

Many thanks

s.
40(2)

s. 40(2)
Investments

Homes England | 2 Rivergate | Temple Quay | Bristol | BS1 6EH
E: s. 40(2) y@homesengland.gov.uk
T: s. 40(2)
M: s. 40(2)



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s. 40(2)

From: s. 40(2) @apexairspace.co.uk>
Sent: 23 July 2018 10:59
To: s. 40(2)
Cc: s. 40(2); s. 40(2)
Subject: RE: Apex - intercreditor

s.
40(2)

To come back on this point. Given that the security structure is now altered s. 43)
Winckworths are amending the ICA during today and will share it will M&R shortly.

Best

s. 40(2)

From: s. 40(2) @homesengland.gov.uk]
Sent: 20 July 2018 12:37
To: s. 40(2) @apexairspace.co.uk>
Subject: Apex - intercreditor

Hi s. 40(2)

We have yet to receive any feedback on the ICD principles sent last week. I appreciate this is with BGF but I believe we are communicating through Winkworth's at present. Could you follow this up as well and supply contact details for BGF's lawyers?

Many thanks

s.
40(2)

s. 40(2) Investments

Homes England | 2 Rivergate | Temple Quay | Bristol | BS1 6EH
E: s. 40(2) @homesengland.gov.uk
T: s. 40(2)
M: s. 40(2)



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s. 40(2)

From: s. 40(2) @apexairspace.co.uk>
Sent: 23 July 2018 11:25
To: s. 40(2)
Cc: s. 40(2) Accounts
Subject: Update 23.7.18

s.
40(2)

As discussed:

1. Facility agreement. You are liaising with M&R and your in house legal (due back Wednesday) and we will speak during the week ideally to finalise the facility agreement.
2. The ICA is with Winckworth's who are working on it today. This will be circulated for review to us/ M&R/ you then on to the BGF (in house counsel to review) when ready.
3. Once ICA agreed then the security docs will follow in short order
4. I will follow up with Val on the construction docs.
5. Property report template. Winckworth's have sent to M&R who are to respond. Would you mind prompting them please.
6. Bank accounts. S. 40(2) is working on these. Your KYC requirements are noted.

Please feel free to call if I have missed anything or you want to chat.

Best

s. 40(2)

s. 40(2)

From: s. 40(2) @apexairspace.co.uk>
Sent: 09 August 2018 21:04
To: s. 40(2)
Subject: Re: Meeting recap

s. 40(2) - thanks for your always helpful approach

I am sitting down in morning to re run cash flows - will be with you mid morning

I've spoken to F1 today and I'm awaiting a formal response from them

Good to see you as always

s. 40(2)

s. 40(2)

Sent from Val iPhone

On 8 Aug 2018, at 14:12, s. 40(2) @homesengland.gov.uk> wrote:

Hi s. 40(2)

Good to see you this morning and thank you for showing my Upper Richmond Road.

My understanding of the actions are as follows:

- You will send me over an updated cashflow to show revised starts on sites for all sites. You will also include full financials for Upper Richmond Road and Wallington, and the revised delivery of Malcolm Way (s. 43).
- I will then adapt the Homes England cashflow with this updated information and look at the impact on the agreed debt structure.
- We also discussed the BOPAS and F1 point. You are going to pick up with F1 to understand their response to including BOPAS within the contract. Let's keep in close contact on this as I'm keen to help where I can.

Thanks

s. 40(2)

s. 40(2)

Investments

Homes England | 2 Rivergate | Temple Quay | Bristol | BS1 6EH

E: s. 40(2) @homesengland.gov.uk

T: s. 40(2)

M: s. 40(2)

<image001.jpg> <image002.png> <image007.jpg> <image008.jpg>

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s. 40(2)

From: s. 40(2) @apexairspace.co.uk>
Sent: 09 August 2018 21:43
To: s. 40(2)
Subject: Re: Meeting recap

Hi s. 40(2) - just checking my excel sheets and note I have several versions of the cash flow - could you send me the copy you are working of as not sure if there have been an updates sent to you .

In the absence of s. 40(2) and s. 40(2) this may be quickest way to check and send you an updated version reflecting our conversation yesterday

s. 40(2)

Sent from s. 40(2) iPhone

On 8 Aug 2018, at 14:12, s. 40(2) @homesengland.gov.uk> wrote:

Hi s. 40(2)
Good to see you this morning and thank you for showing my Upper Richmond Road.
My understanding of the actions are as follows:

- You will send me over an updated cashflow to show revised starts on sites for all sites. You will also include full financials for Upper Richmond Road and Wallington, and the revised delivery of Malcolm Way (s. 43).
- I will then adapt the Homes England cashflow with this updated information and look at the impact on the agreed debt structure.
- We also discussed the BOPAS and F1 point. You are going to pick up with F1 to understand their response to including BOPAS within the contract. Let's keep in close contact on this as I'm keen to help where I can.

Thanks

s. 40(2)

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Homes
England



<image008.jpg>

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s. 40(2)

From: s. 40(2) @apexairspace.co.uk>
Sent: 27 September 2018 11:35
To: s. 40(2)
Cc: s. 40(2)
Subject: RE: business plans

s.
40(2)

Thanks very much. Will update and return, noting that you will complete the tables direct from the model which will be possible once we have reviewed the model together.

Best

s. 40(2)

From: s. 40(2) @homesengland.gov.uk]
Sent: 27 September 2018 11:24
To: s. 40(2) @apexairspace.co.uk>
Subject: business plans

Hi s. 40(2)

This is along the lines of what I am after but conscious it may be out of date, hopefully helps as a template however. If Apex could ensure that the types of units are covered, their expected pricing, the costs, build timeframe and site constraints are covered that would be helpful.

Thanks

s.
40(2)

s. 40(2) Investments

Homes England | 2 Rivergate | Temple Quay | Bristol | BS1 6EH
E: s. 40(2) @homesengland.gov.uk
T: s. 40(2)
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s. 40(2)

From: s. 40(2) @apexairspace.co.uk>
Sent: 26 October 2018 17:12
To: s. 40(2)
Cc: s. 40(2)
Subject: FW: Apex Marion Court - milestones

s.
40(2)

Timelines are fine as per below.

Best

s. 40(2)

From: s. 40(2)
Sent: 23 October 2018 05:32
To: s. 40(2) @apexairspace.co.uk>
Cc: s. 40(2) @apexairspace.co.uk>
Subject: Re: Apex Marion Court - milestones

s. 40(2) - all seems feasible for funding purposes

s.
40(2)

Sent from Val iPhone

On 22 Oct 2018, at 12:59, s. 40(2) @apexairspace.co.uk> wrote:

s. 40(2),

Please see below. Any thoughts?

Best

s. 40(2)

Get [Outlook for iOS](#)

From: s. 40(2) @homesengland.gov.uk>
Sent: Monday, October 22, 2018 11:42 am
To: s. 40(2)
Cc: s. 40(2)
Subject: Apex Marion Court - milestones

s. 40(2)

I propose the milestones for Marion Court are included in the Project Details as follows:

- Practical completion: 7 months post start on site (3 months' headroom on cashflow);

- Sales milestones: two units exchanged 8 months post start on site (first unit forecasted to complete 8 months post SoS). All units to be sold 14 months post SoS (3 months' headroom on cashflow).

Please let me know your thoughts.

Thanks

S. [REDACTED]

s. 40(2) [REDACTED]

Investments

Homes England | 2 Rivergate | Temple Quay | Bristol | BS1 6EH

E: s. 40(2) [REDACTED] [@homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)

T: s. 40(2) [REDACTED]

M: s. 40(2) [REDACTED]

<image001.jpg> <image002.png> <image003.jpg> <image004.jpg>

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s. 40(2)

From: s. 40(2) @apexairspace.co.uk>
Sent: 05 November 2018 09:18
To: s. 40(2) @mills-reeve.com
Cc: s. 40(2) nall
Subject: Homes England call agenda 5th November 2018

Hi all

Please see below in advance of our weekly call at 11am.

1. ICA – update – HE reviewing approach re consent “not to be unreasonably withheld” before liaising with BGF. Review progress 5.11.18
2. Facility agreement – s. 40(2) dealing with. Expect to be in final form subject to items below. Update?
3. Security documentation. Expected to be in agreed form. s. 40(2) reviewing drafts and to be completed by 30.10.18. Update?
4. Property documentation. Template agreed. Marion Ct issues under discussion. Ongoing. Apex meeting s. 40(2) later this week.
5. Construction – ongoing and now expected to firm up position w/c 5.11.18
6. Corporate authority CPs – s. 40(2) only to sign. s. 40(2) to liaise. Board meeting set for 5.11.18 cancelled – s. 40(2) to discuss/ update
7. insurance. Apex to provide HE with policies for underlying properties. s. 40(2)
8. Compliance and monthly reporting process is to be perfected. WIP between Apex and HE. s. 40(2)
9. Homes England approvals – pre complete report drafted but needs construction confirmed prior to submission (number and contractor)
10. Rights of light report. Circulated. Apex is seeking insurance to cover ROL risk identified. s. 40(2)
11. AOB – call invite to be updated.

Best

s. 40(2)

From: s. 40(2) s
Sent: 29 October 2018 11:35
To: s. 40(2) @homesengland.gov.uk>; s. 40(2) @homesengland.gov.uk>; s. 40(2) @wslaw.co.uk>; s. 40(2) @mills-reeve.com
Cc: s. 40(2) @apexairspace.co.uk>; s. 40(2) @apexairspace.co.uk>; s. 40(2) @wslaw.co.uk>; s. 40(2) @apexairspace.co.uk>
Subject: Homes England discussion 29th October 2018

Hi all, as discussed and to update:

1. ICA – update – HE reviewing approach re consent “not to be unreasonably withheld” before liaising with BGF. Review progress 5.11.18

2. Facility agreement – S. [REDACTED] reviewing to confirm updates but expect in final form subject to items below. Complete by 31.10.18
3. Security documentation. Expected to be in agreed form. S. [REDACTED] reviewing drafts and to be completed by 30.10.18
4. Property documentation. Template agreed. Marion Ct issues under discussion. S. [REDACTED] has chased S. 40(2) [REDACTED] to check items with Apex.
5. Construction – ongoing and now expected to firm up position w/c 5.11.18
6. Corporate authority CPs – S. [REDACTED] only to sign. S. 40(2) [REDACTED] to liaise re board meeting set for 5.11.18 – suggest S. [REDACTED] can sign amends. Wet signature needed but can be pdf for close
7. insurance. Apex to provide HE with policies for underlying properties. S. [REDACTED]
8. Compliance and monthly reporting process is to be perfected. WIP between Apex and HE. S. [REDACTED]
9. Homes England approvals – pre complete report drafted but needs construction confirmed prior to submission (number and contractor)
10. Rights of light report. Circulated. Apex is seeking insurance to cover ROL risk identified. S. [REDACTED]
11. AOB – call invite to be updated.

Speak next Monday and sooner as appropriate.

Best

S. 40(2) [REDACTED]

s. 40(2)

From: s. 40(2) @apexairspace.co.uk>
Sent: 14 December 2018 16:46
To: s. 40(2)
Cc: s. 40(2)
Subject: Homes England and Apex press update

Hi all

Putting all in touch with one another so that if the loan deal is signed pre-Christmas we might be able to do an exclusive in either the Times or the FT (innovation angle).

S. will run with this in conjunction with S. from Apex leaning on S. (and her colleague S. details to follow) for Apex and liaise with S. noting that this is conceptual at this stage and needs to be agreed by all sides both in terms of strategy and content before progressing.

Good luck!

Best

s. 40(2)

M: s. 40(2)
E: s. 40(2) @apexairspace.co.uk
W: www.apexairspacedevelopment.co.uk



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s. 40(2)

From: s. 40(2) @apexairspace.co.uk>
Sent: 30 January 2019 17:22
To: s. 40(2)
Cc: s. 40(2)
Subject: Huge thank you

Hi s. 40(2) - fantastic conclusion to the facility today - well done for your energies and efforts for getting us to here.
Very much appreciated by all the Apex team

s. 40(2)
Sent from s. 40(2), Apex Airspace Development Ltd, s. 40(2)

s. 40(2)

From: s. 40(2) [redacted]@apexairspace.co.uk>
Sent: 26 February 2019 18:40
To: s. 40(2) [redacted]
Subject: Account details for Actavo
Attachments: Actavo Group Limited - 31 Dec 17 - FINAL SIGNED.PDF; ATT00001.htm; actavo-group-limited_30-11-2018.pdf; ATT00002.htm; RM_Corporate_Landscape_AW.pdf; ATT00003.htm

Hi S. [redacted], previously forwarded account details for R&M who we'll be our principal contractor for both schemes at Malcolm and Marion - Actavo are their modular supplier for both schemes - so you can see the overall make-up of the supply partnership

S. [redacted]
10

s. 40(2)

From: s. 40(2) @apexairspace.co.uk>
Sent: 20 March 2019 11:37
To: s. 40(2)
Cc: s. 40(2)
Subject: RE: Marion Crt

Thanks s. 40(2)

That's great – we will ensure that all doc fully meet requirements asap

s.

From: s. 40(2) @homesengland.gov.uk>
Sent: 20 March 2019 10:00
To: s. 40(2) @apexairspace.co.uk>; s. 40(2) @homesengland.gov.uk>
Cc: s. 40(2) @apexairspace.co.uk>
Subject: RE: Marion Crt

Hi s.

Regarding the extension of time, so long as Apex continue to seek to resolve outstanding issues and satisfy CPs as soon as possible then this won't be an issue.

Thanks

s.

From: s. 40(2) @apexairspace.co.uk]
Sent: 20 March 2019 08:21
To: s. 40(2)
Cc: s. 40(2)
Subject: RE: Marion Crt

Thanks s. 40(2), lets do that

s.

From: s. 40(2) @homesengland.gov.uk>
Sent: 20 March 2019 08:06
To: s. 40(2) @homesengland.gov.uk>
Cc: s. 40(2) @apexairspace.co.uk>
Subject: RE: Marion Crt

I will send dial in details when in the office

On 20 Mar 2019 07:42, s. 40(2) @homesengland.gov.uk> wrote:
s. 40(2)

9:30 is OK for me.

Regards.

s.

s. 40(2)



Homes
England

s. 40(2)

s. 40(2)

7th Floor Windsor House
50 Victoria Street
London
SW1H 0TL

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From: s. 40(2)

Sent: 20 March 2019 07:30

To: s. 40(2)

Cc: s. 40(2)

Subject: RE: Marion Crt

Subject to s.'s availability as I think he should join, shall we say 9.30?

On 19 Mar 2019 19:52, s. 40(2) <[s.40\(2\)@apexairspace.co.uk](mailto:s.40(2)@apexairspace.co.uk)> wrote:

Thanks s. – what about first thing in morning

s.

From: s. 40(2) <[s.40\(2\)@homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)>

Sent: 19 March 2019 18:54

To: s. 40(2) <[s.40\(2\)@apexairspace.co.uk](mailto:s.40(2)@apexairspace.co.uk)>

Cc: s. 40(2) <[s.40\(2\)@homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)>

Subject: Re: Marion Crt

Hi s.

Happy to have a chat tomorrow.

Let me know when works for you.

Thanks

S. [REDACTED]

On 19 Mar 2019 18:15, S. 40(2) [REDACTED] @apexairspace.co.uk> wrote:

Hi S. [REDACTED] it looks like we have some issues to clarify around the Construction contract and the understanding between ourselves and M&R requests. All I understand is in order although we need to clarify with S. [REDACTED], as there maybe misunderstandings of timings and appointment requirements. We can remedy all this hopefully quickly if necessary .

We have now signed the contract with our proposed contractor and it's a case of chicken and egg on some matters .

I understand we may need an extension of time to cover these matters , as technically we had 3 months from the saw of faculty signing on the 21st December 2018- can we talk tomorrow

S. [REDACTED]

S. 40(2) [REDACTED]



D. S. 40(2) [REDACTED]

M. S. 40(2) [REDACTED]

111 Baker Street, London W1U 6SG



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s. 40(2)

From: s. 40(2) @Mills-Reeve.com>
Sent: 24 May 2019 13:28
To: s. 40(2);
s. 40(2)
Subject: RE: Apex Marion Court Construction documents and structure - Con call follow up actions
24.05.2019
Attachments: Home Building Fund Contractor Guidance (Final) v2 180509.pdf

Dear s.

Many thanks. In case anyone hasn't seen them, I attach the Homes England requirements.

Kind regards

s. 40(2)

Partner
for Mills & Reeve LLP

[Click here](#) for our latest legal insights on Brexit

Tel: s. 40(2)
Mob: s. 40(2)
Fax: s. 40(2)
Twitter: @MillsandReeve
s. 40(2) @Mills-Reeve.com
www.mills-reeve.com
www.practical-completion.co.uk

78-84 Colmore Row
Birmingham B3 2AB
DX 707290 BIRMINGHAM 65

From: s. 40(2) @homesengland.gov.uk>

Sent: 24 May 2019 13:16

To: s. 40(2) @Mills-Reeve.com>; s. 40(2) @apexairspace.co.uk>;
s. 40(2) @aecom.com>; s. 40(2) @hka.com>; s. 40(2) @hka.com>; s.
s. 40(2) @homesengland.gov.uk>; s. 40(2) @rund.co.uk>; s. 40(2) @rund.co.uk>;
s. 40(2) @Adeptmanagement.com>; s. 40(2) @Adeptmanagement.com>

Subject: Apex Marion Court Construction documents and structure - Con call follow up actions 24.05.2019

This Message originated outside your organisation.

Thank you all for your time on the call today.

I hope you found this call useful.

Following the call, please see below a list of follow up actions;

- The contract between R & M and Apex, has not been seen by s. 40(2) will follow up on this and make he is provided with a copy of this.
- R & M are doing the appointments. R & M were represented by s. on today's call; s. and s. s. will work together to produce appointment letters. s. will look at what format of appointments can work. s. suggested that Apex and Rund would adopt s.'s approach for the appointment of Rund as well.
- Appointment letters once drafted will be sent to s. 40(2) (Aecom) for review and then s. s. 40(2) (Mills and Reeve). Once both have confirmed, the appointments can then be executed.

- S. [REDACTED] is meeting with the consultants next week on Wednesday, and has suggested that documents can be executed on this day if they are ready.
- S. [REDACTED] to confirm list of appointments to be undertaken by R & M, to all parties that were on the call so everyone has clarity of the consultant appointments. It was confirmed on the call that Apex are/have appointed Rund as employers agent and R & M Devs as main contractor.
- S. [REDACTED] (myself on behalf of Homes England) to schedule a follow up call for 4 June.
- It wasn't mentioned on the call, but S. [REDACTED] has asked if we can get up-to-date pi insurance certificates for all of the parties providing Warranties.

I look forward to speaking with you all on the next call, hope all progresses well between now and then.

Have a great bank holiday all!

Many Thanks,

S. [REDACTED]

s. 40(2)

[REDACTED] – Home Building Fund



Tel: s. 40(2)

Mobile: s. 40(2)

Homes England | Windsor House | 50 Victoria Street | Westminster, London | SW1 H0TL

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CONTRACTING PRINCIPLES ON HOMES ENGLAND FUNDED MATTERS

The guidance document has been written to provide you with some initial pointers on the key areas that are particularly important to us when you are contracting with your building contractor, making professional appointments or when sub-contractors are to be used. These contracts are important to us since as well as wanting to ensure you have the agreements you need to successfully complete your project, we need to make sure they work for a funder; this is because any collateral warranties we require to allow us to step in to a contract will only be as effective as underlying contracts are at delivering your protect.

Since these points have the potential to delay a transaction and can cause you to have to renegotiate contracts to get them in a suitable form, we hope that by flagging them now they will help you and your legal team make your appointments in a timely and efficient manner.

As this guidance is not exhaustive and is indicative of our key requirements, please study the specific requirements that are stated as a condition for lending in the heads of terms and the loan documentation. As always, your Transaction Manager is available to assist you and provide further guidance as to what will be needed for the specifics of your application.

Key Points: Building Contract	
Execution	The building contract needs to be in writing and should be executed as a deed.
Liability	The contractor should remain liable for their work for a period of twelve years following practical completion.
Level of skill and care required in relation to the works	The contractor should be required to exercise the reasonable skill, care and diligence that is expected of an experienced, competent and fully qualified contractor of works of a similar type and value to the works being undertaken. A similar requirement should also apply to the contractor as designer if it is carrying out any design.
Design	If the building contract is a design and build contract, then it needs to be clear that the contractor is liable for the entire design of the works. The contractor must be responsible for all of the designs contained in your requirements even if they were (i) prepared before or after the date of the building contract or (ii) they were produced by someone other than the contractor.
Deleterious materials	The building contract should contain a requirement not to use, or approve for use, “deleterious” or “prohibited materials” materials by reference to an identifiable and recognised industry standard.
Termination	<p>The building contract should give you a right to terminate it with 14 days’ written notice. This right should not be subject to any other requirements.</p> <p>The contract should also allow you to terminate it if the contractor is in breach of their contract to you so you can find a replacement contractor. On termination you should get all ownership rights to materials and documents relating to the works.</p>
Limitations on liability	<p>The building contract should not contain a net contribution, exclusion of any indirect or consequential losses clause(s).</p> <p>Should you be asked to accept a cap on liability at a level that is in line with the contract sum, you should discuss this with your Transaction Manager. Please note</p>

	that liability caps are only acceptable in exceptional and justified circumstances.
Defects	The contractor should have to correct any defects in the completed works for a period of 12 months following practical completion.
Insurance	The contractor should have to maintain adequate professional indemnity insurance (including coverage for negligent liability) for the duration of the works and for a further twelve years from practical completion of the works. The contractor should also have to maintain adequate levels of employer's liability insurance and public liability and if relevant, contractor's all risk insurance. Please discuss the levels, type and scope of insurances needed on your specific project with your Transaction Manager.
Copyright	The contractor should grant an irrevocable, non-exclusive and royalty-free copyright licence to you, which is freely transferable and allows for the granting of sub-licences. The licence should not require the payment of any fee and needs to remain valid beyond the termination of the building contract.
Assignment	The building contract should be freely assignable on at least three occasions.
Collateral warranty	<p>The building contract will typically need to require the contractor to provide collateral warranties and procure sub-contractor warranties in favour of:</p> <ul style="list-style-type: none"> • any funders (including the agency) • a first purchaser (and their funders, if required); • a first tenant (and their funders, if required); and; • any other identifiable third parties. <p>The collateral warranty provided may also need to include an obligation to get collateral warranties from any other contractors who you have novated to the contractor; typically this includes the company doing your design work.</p> <p>Please note that the terms contained in the building contract should be consistent in their drafting with the equivalent terms of the collateral warranty. Please discuss the specific collateral warranty requirements for the project with your Transaction Manager who will (as applicable) be happy to have our legal team provide yours with the form collateral warranty for their review.</p>
Works already completed prior to the building contract	If the contractor is appointed and/or instructed to undertake any works and/or services in relation to the works prior to the building contract being agreed, the building contract, should take effect as if it has been executed on the date the contractor first performed such work and/or activities. Any payments for the same should be made as payments due under the building contract.
Other considerations	<p><u>Performance Security</u>: Dependent on the nature of your project, there may be a need to have further comfort that the contractor will perform their works and remain responsible for their performance after they are completed. This may include the need for a performance bond or the contractor's parent providing a performance guarantee.</p> <p><u>Section Completion</u>: For more complex works, it may be suitable to break the project down into sections and give each section a practical completion date. Where a completion is missed, it may be appropriate for your contractor to pay you liquidated damages at a pre-set rate.</p> <p>These matters are considered on a case by case basis. Please discuss your specific project requirements with your Transaction Manager.</p>

Key Points: Sub-Contracts and Professional Appointments

Execution	The contract needs be in writing and should be executed as a deed.
Level of skill and care required in relation to the works	The sub-contractor/consultant should be required to exercise the reasonable skill, care and diligence that is expected of an experienced, competent and fully qualified sub-contractor/consultant contractor undertaking a role of a similar type and value to the services/works being provided.
Deleterious materials	The contract should contain a requirement not to use, or approve for use, “deleterious” or “prohibited materials” materials by reference to an identifiable and recognised industry standard.
Termination	<p>The contract should give you a right to terminate it with 14 days’ written notice. This right should not be subject to any other requirements.</p> <p>The contract should also allow you to terminate it if contractor/consultant is in breach of their contract to you so you can find a replacement. On termination you should get all ownership rights to materials and documents relating to the works/services being provided.</p>
Limitations on liability	The contract should not contain a net contribution, exclusion of any indirect, or consequential losses clause(s). You should be able to recover any losses you incur without limit.
Insurance	The sub-contractor/consultant should have to maintain adequate professional indemnity insurance (including coverage for negligent liability) for the duration of the works and for a further twelve years from practical completion of the works. Please discuss the levels, type and scope of insurances needed on your specific project with your Transaction Manager.
Copyright	The sub-contractor/consultant should grant an irrevocable, non-exclusive and royalty-free copyright licence to the contractor/you, which is freely transferable and allows for the granting of sub-licences. The licence should not require the payment of any fee and needs to remain valid beyond the termination of the contact which appoints the sub-contractor/consultant.
Assignment	The contract should be freely assignable on at least three occasions.
Collateral warranty	<p>The contract will typically need to require the sub-contractor/consultant to provide collateral warranties in favour of:</p> <ul style="list-style-type: none"> • any funders (including the agency) • a first purchaser (and their funders, if required); • a first tenant (and their funders, if required); and • any other identifiable third parties. <p>Please note that the terms contained in the forms of appointment/sub-contract should be consistent in their drafting with the equivalent terms of the collateral warranty. Please discuss the specific collateral warranty requirements for project with your Transaction Manager who will (as applicable) be happy to have our legal team provide yours with the form collateral warranty for their review.</p>
Works/services already completed prior to the contract	If the sub-contractor/consultant is appointed and/or instructed to undertake any works and/or services in relation to the works prior to the contract being agreed, the contract, should take effect as if it has been executed on the date the consultant first performed such work and/or activities. Any payments for the same should be made as payments due under the contract.

s. 40(2)

From: s. 40(2)
Sent: 31 May 2019 09:54
To: s. 40(2)
Subject: RE: Apex Marion Court Construction documents and structure - Con call follow up actions 24.05.2019

Morning s.

I hope you are well.

Do you think you are in a position yet, to confirm the appointments please.

Many Thanks,

s.

s. 40(2)

Home Building Fund



Tel: s. 40(2)

Mobile: s. 40(2)

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From: s. 40(2) @rund.co.uk]

Sent: 24 May 2019 17:23

To: s. 40(2)

CC: s. 40(2)

Subject: RE: Apex Marion Court Construction documents and structure - Con call follow up actions 24.05.2019

Hi s.

No problem, this will be sent to you imminently. As S. [redacted] from R&M couldn't make the meeting today, I've asked S. [redacted] from Rund to give him a call on Tuesday to make sure we're all on the same page.

I'm in meetings all day Tuesday but I will give you a call on your mobile in between.

Have a good weekend.

Many thanks

s. 40(2) [redacted]
Managing Surveyor

For and on behalf of Rund Partnership Limited

Rund Partnership Limited

Mob: s. 40(2) [redacted] Web: www.rund.co.uk

LONDON

Tel: 020 7060 6221

SOUTHAMPTON

Tel: 023 8062 3750

Building Consultancy : Project Management : Cost Consultancy : Employer's Agent : Health and Safety : Clerk of Works : Sustainability

From: s. 40(2) [redacted] [@homesengland.gov.uk](mailto:[redacted]@homesengland.gov.uk)>

Sent: 24 May 2019 17:16

To: s. 40(2) [redacted] [@rund.co.uk](mailto:[redacted]@rund.co.uk)>; s. 40(2) [redacted] [@hka.com](mailto:[redacted]@hka.com)>; s. 40(2) [redacted] [@Mills-Reeve.com](mailto:[redacted]@Mills-Reeve.com)>; s. 40(2) [redacted] [@apexairspace.co.uk](mailto:[redacted]@apexairspace.co.uk)>; s. 40(2) [redacted] [@aecom.com](mailto:[redacted]@aecom.com)>; s. 40(2) [redacted] [@homesengland.gov.uk](mailto:[redacted]@homesengland.gov.uk)>; s. 40(2) [redacted] [@Adeptmanagement.com](mailto:[redacted]@Adeptmanagement.com)>; s. 40(2) [redacted] [@Adeptmanagement.com](mailto:[redacted]@Adeptmanagement.com)>

Cc: s. 40(2) [redacted] [@randmdev.co.uk](mailto:[redacted]@randmdev.co.uk)>; s. 40(2) [redacted] [@rund.co.uk](mailto:[redacted]@rund.co.uk)>

Subject: RE: Apex Marion Court Construction documents and structure - Con call follow up actions 24.05.2019

Hi S. [redacted]

If our solicitors have not seen the 'fresh version' of the contract then they will need to see this please.

I will pick this point up with our solicitors and Rund directly on Tuesday if that is okay.

Please can you confirm the list of appointments being undertaken by R & M as soon as possible.

Have a great weekend all.

Many Thanks,

S. [redacted]

s. 40(2) [redacted]

Home Building Fund



Tel: s. 40(2) [redacted]

Mobile: s. 40(2) [redacted]

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From: s. 40(2) [redacted] [@rund.co.uk](mailto:[redacted]@rund.co.uk)
Sent: 24 May 2019 15:42
To: s. 40(2) [redacted];
s. 40(2) [redacted] [@Adeptmanagement.com](mailto:[redacted]@Adeptmanagement.com)
CC: s. 40(2) [redacted]
Subject: RE: Apex Marion Court Construction documents and structure - Con call follow up actions 24.05.2019

Hi All

Further to the below e-mail, I also wanted to add the comments which I made during the telephone call. Please see my comments below in blue.

Many thanks

s. 40(2) [redacted]
Managing Surveyor

For and on behalf of Rund Partnership Limited

Rund Partnership Limited

Mob: s. 40(2) [redacted] Web: www.rund.co.uk

LONDON

Tel: 020 7060 6221

SOUTHAMPTON

Tel: 023 8062 3750

Building Consultancy : Project Management : Cost Consultancy : Employer's Agent : Health and Safety : Clerk of Works : Sustainability

From: s. 40(2) [redacted] [@hka.com](mailto:[redacted]@hka.com)>
Sent: 24 May 2019 13:55
To: s. 40(2) [redacted] [@homesengland.gov.uk](mailto:[redacted]@homesengland.gov.uk)>; s. 40(2) [redacted] [@Mills-Reeve.com](mailto:[redacted]@Mills-Reeve.com)>; s. 40(2) [redacted] [@apexairspace.co.uk](mailto:[redacted]@apexairspace.co.uk)>; s. 40(2) [redacted] [@aecom.com](mailto:[redacted]@aecom.com)>; s. 40(2) [redacted] [@homesengland.gov.uk](mailto:[redacted]@homesengland.gov.uk)>; s. 40(2) [redacted] [@rund.co.uk](mailto:[redacted]@rund.co.uk)>; s. 40(2) [redacted] [@Adeptmanagement.com](mailto:[redacted]@Adeptmanagement.com)>

Cc: s. 40(2) @randmdev.co.uk>

Subject: RE: Apex Marion Court Construction documents and structure - Con call follow up actions 24.05.2019

Dear S. 40(2)

Thank you for your list of actions.

Please see below (in red) my comments on one point which was not accurately recorded.

Trusting this is satisfactory

Kind Regards

s. 40(2)

T +s. 40(2)
D +s. 40(2)
M +s. 40(2)
E s. 40(2) @hka.com

3200 Daresbury Park, Daresbury
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Company Registration No. 10506713

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From: s. 40(2) @homesengland.gov.uk>

Sent: 24 May 2019 13:16

To: s. 40(2) @Mills-Reeve.com>; s. 40(2) @apexairspace.co.uk>;

s. 40(2) @aecom.com>; s. 40(2) @hka.com>; s. 40(2)

s. 40(2) @homesengland.gov.uk>; s. 40(2) @rund.co.uk>; s. 40(2) @rund.co.uk>;

s. 40(2) @Adeptmanagement.com>; s. 40(2) @Adeptmanagement.com>

Subject: Apex Marion Court Construction documents and structure - Con call follow up actions 24.05.2019

Thank you all for your time on the call today.

I hope you found this call useful.

Following the call, please see below a list of follow up actions;

- The contract between R & M and Apex, has not been seen by s. 40(2) will follow up on this and make he is provided with a copy of this. s. 43

s. 43

s. 43

- R & M are doing the appointments. R & M were represented by s. on today's call; s. and s. 40(2) will work together to produce appointment letters. s. will look at what format of appointments can work. s. suggested that Apex and Rund would adopt s.'s approach for the appointment of Rund as well.
- Appointment letters once drafted will be sent to s. 40(2) (Aecom) for review and then s. s. 40(2) (Mills and Reeve). Once both have confirmed, the appointments can then be executed.
- s. is meeting with the consultants next week on Wednesday, and has suggested that documents can be executed on this day if they are ready.
- s. to confirm list of appointments to be undertaken by R & M, to all parties that were on the call so everyone has clarity of the consultant appointments. It was confirmed on the call that Apex are/have appointed Rund as employers agent and R & M Devs as main contractor.
- s. (myself on behalf of Homes England) to schedule a follow up call for 4 June.
- It wasn't mentioned on the call, but s. has asked if we can get up-to-date pi insurance certificates for all of the parties providing Warranties.

I look forward to speaking with you all on the next call, hope all progresses well between now and then.

Have a great bank holiday all!

Many Thanks,

s.

s. 40(2)

Home Building Fund



Tel: s. 40(2)

Mobile: s. 40(2)

Homes England | Windsor House | 50 Victoria Street | Westminster, London | SW1 H0TL

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For more information please visit <http://www.symanteccloud.com>

s. 40(2)

From: s. 40(2) [redacted]@apexairspace.co.uk>
Sent: 01 July 2019 17:27
To: s. 40(2) [redacted]
Subject: RE: Warranties

Hi s. 40(2) [redacted]
Yes a great weekend thank you.

We have only received Lifestyle & Zerum , but no others have been chasing through the day to no avail!!

Further to opening the warranties it seems that they have used the standard CW and renamed as Consultant Warranty. Have spoke with s. 40(2) [redacted] of HKA to understand the reasoning behind this instead of the “deed of warranty”.

Just sent Lifestyles to AECOM for there guidance and help into this matter.

Shall forward you the email.

Kind Regards

s. 40(2) [redacted]

s. 40(2) [redacted]



D. +44(0)20 7135 2050
M. +44(0)7944 421 584

33 Robert Adam Street, London W1U 3HR



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From: s. 40(2) [redacted]@homesengland.gov.uk>
Sent: 01 July 2019 16:40
To: s. 40(2) [redacted]@apexairspace.co.uk>
Subject: Warranties

Hi s. 40(2) [redacted]

Hope you had a good weekend.

Did you get the signed appointments and warranties back today ?

Just thinking from our conversation on Friday – what would be the quickest way to get these verified ?

Thanks,

S. [REDACTED]

s. 40(2) [REDACTED]

[REDACTED] Home Building Fund



Tel: s. 40(2) [REDACTED]

Mobile: s. 40(2) [REDACTED]

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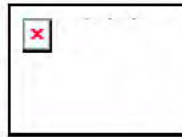
s. 40(2)

From: s. 40(2) [redacted]@apexairspace.co.uk>
Sent: 02 July 2019 10:55
To: s. 40(2) [redacted]
Cc: s. 40(2) [redacted]
Subject: FW: Marion Court - Programme 21.10.19
Attachments: R&M Marion Court - TARGET 24.05.19.pdf

Hi s. 40(2) & s. 40(2) [redacted]

Please find attached revised construction programme for Marion Court, as requested by s. 40(2) [redacted] [HE].

s. 40(2) [redacted]



D. s. 40(2) [redacted]

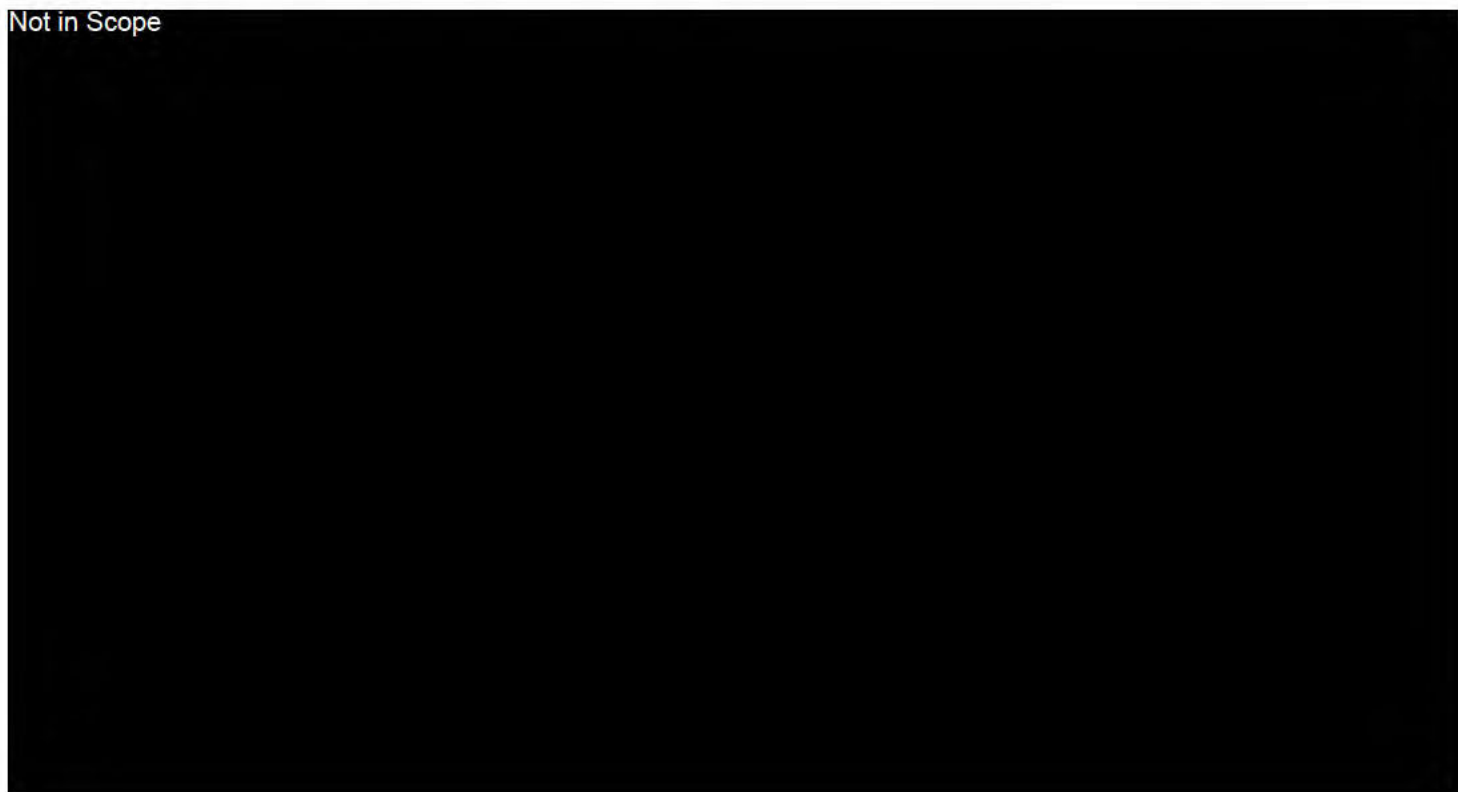
M. s. 40(2) [redacted]

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Not in Scope



s. 40(2)

From: s. 40(2) @apexairspace.co.uk>
Sent: 14 June 2019 09:08
To: s. 40(2)
Subject: RE: Call this morning

s. 40(2) our new s. 40(2), s. 40(2), will also join the call

s. 40(2)

From: s. 40(2) @homesengland.gov.uk>
Sent: 14 June 2019 08:24
To: s. 40(2) @apexairspace.co.uk>
Subject: Re: Call this morning

Could you send me over the latest marion court feasibility ahead of then so I can review?

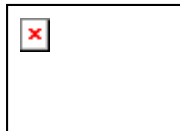
Many thanks

On 14 Jun 2019 08:06, s. 40(2) @homesengland.gov.uk> wrote:
Yes that's fine s. 40(2) I'll call you then.

On 14 Jun 2019 07:37, s. 40(2) @apexairspace.co.uk> wrote:
Good morning s. 40(2)

How about 11 ? Does that work ?

s. 40(2)



s. 40(2)
s. 40(2)

D. s. 40(2)

M. s. 40(2)

WE HAVE MOVED! [33 Robert Adam Street, London W1U 3HR](#)



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s. 40(2)

From: s. 40(2) [redacted]@apexairspace.co.uk>
Sent: 15 July 2019 16:08
To: s. 40(2) [redacted]
Subject: RE: HE annual report

Thanks s. 40(2) [redacted]

s. 40(2) [redacted]



D. s. 40(2) [redacted]

M. s. 40(2) [redacted]

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From: s. 40(2) [redacted]@homesengland.gov.uk>
Sent: 15 July 2019 14:40
To: s. 40(2) [redacted]@apexairspace.co.uk>; s. 40(2) [redacted]@apexairspace.co.uk>
Subject: RE: HE annual report

Link to full report below, pg 11:

<https://www.gov.uk/government/publications/homes-england-annual-report-financial-statements-201819>

From: s. 40(2) [redacted]@apexairspace.co.uk]
Sent: 15 July 2019 12:42
To: s. 40(2) [redacted]
Subject: RE: HE annual report

Thanks s. 40(2) [redacted]

s. 40(2) [redacted]

s. 40(2) [redacted]



D. s. 40(2)

M. s. 40(2)

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From: s. 40(2) <[s.40\(2\)@homesengland.gov.uk](mailto:s.40(2)@homesengland.gov.uk)>
Sent: 15 July 2019 12:39
To: s. 40(2) <[s.40\(2\)@apexairspace.co.uk](mailto:s.40(2)@apexairspace.co.uk)>; s. 40(2) <[s.40\(2\)@apexairspace.co.uk](mailto:s.40(2)@apexairspace.co.uk)>
Subject: HE annual report

A brief mention in dispatches but as far as I can see the only SME developer to make the cut. See attached

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s. 40(2)

From: s. 40(2) @apexairspace.co.uk>
Sent: 18 July 2019 22:20
To: s. 40(2)
Cc: s. 40(2)
Subject: Re: Construction legals

s.
40(2)

Thanks for coming today, it was good event.

We are just waiting for them to confirm their fee quote.

Should be in a position to finalise and forward in the morning.

Thanks

s. 40(2)

Regards

s. 40(2)

From: s. 40(2) @homesengland.gov.uk>
Sent: Thursday, July 18, 2019 7:25:05 PM
To: s. 40(2) @apexairspace.co.uk>
Cc: s. 40(2) @homesengland.gov.uk>
Subject: Construction legals
Hi s. 40(2)

Good to see you today.

I just wanted to check that you had lined a construction lawyer at WS to pick things up on Marion and Malcolm? If you could circulate their details we'll get Mills & Reeve talking to them straightaway.

Many thanks

s.
40(2)

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s. 40(2)

From: s. 40(2) @apexairspace.co.uk>
Sent: 08 August 2019 07:20
To: s. 40(2)
Subject: HE Preferred Valuers

Follow Up Flag: FollowUp
Flag Status: Completed

Hi s. 40(2)

I hope that you are well?

We are just in the process of registering Antony & Roderick House with the GLA and are proposing to use the company Matthews & Goodman to undertake the RICS 'Red Book' Valuation. If we are to combine HE funding on this or other schemes, I just wanted to check in as to whether the HE have any preferred Valuers or Framework that we should be using in the first instance to avoid having to undertake valuations twice if M&G are not on an HE preferred list? I had assumed that as long as the valuation is red book then this would be the key requirement?

Your advice would be much appreciated.

Best regards

s. 40(2)

s. 40(2)



D. s. 40(2)

M. s. 40(2)

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s. 40(2)

From: s. 40(2)
Sent: 23 August 2019 11:28
To: s. 40(2) @apexairspace.co.uk; s. 40(2)
Cc: s. 40(2)
Subject: Apex Update Call
Attachments: 190821 Mills & Reeve Fee Update.xlsx; RE: Your call; RE: MARION COURT COLLATERAL WARRANTY/DEED OF WARRANTY/CONSULTANT SERVICES CONTRACT [M&R-FirmDMS.FID37564230]; 181224 Apex Intercreditor (fully compiled).pdf; RE: Malcolm Way

Attachments;

- (1) Mills & Reeve Fee update spreadsheet
- (2) Latest Construction email dated 22.08.2019; on this email chain Winckworth inform M&R they are awaiting instructions from Apex
- (3) Construction email dated 21.08.19; please see further down this email chain, the email from s. 40(2) dated 19 July outlines all of the outstanding construction items. There has been no progress since 19 July.
- (4) Email correspondence between Mills and Reeve and Winckworth on property and insurance dated 26.07.2019. please note there has been no updates since this time, due to the holiday season
- (5) Facility Agreement dated 21.12.2018 – Please see clause 10.4 for Homes England insurance requirements
 - (a) Please see schedule 1 (page 69) for the CP list

Dear All,

Please see attachments which I will be referring to in today's call.

The attached, are for your information only and we appreciate some of this information will be new to you. We therefore fully appreciate that you may not be in a position to provide an update on these matters. However, it is useful for you to see, and we hope by the next call (Thursday 29th) we can obtain a fuller update from yourselves.

Many Thanks,

s.

s. 40(2)

– Home Building Fund



Tel: s. 40(2)

Mobile: s. 40(2)

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s. 40(2)

From: s. 40(2)
Sent: 18 September 2019 17:58
To: s. 40(2) @apexairspace.co.uk; s. 40(2)
Cc: s. 40(2)
Subject: RE: Marion Court - AECOM Additional Fee

Evening All,

I understand from Aecom that the site visit to Actavo in Ireland has been scheduled for 26.09.2019.

Please could you confirm by return email, that the additional fees are agreed. Or please let me know if you need anything further from me.

Look forward to speaking to you all on the call tomorrow.

Many Thanks,

s.

s. 40(2) – Home Building Fund



Tel: s. 40(2)

Mobile: s. 40(2)

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From: s. 40(2)
Sent: 11 September 2019 16:58
To: s. 40(2) @apexairspace.co.uk; s. 40(2)
Cc: s. 40(2)
Subject: Marion Court - AECOM Additional Fee
Importance: High

Hi s. 40(2) & s. 40(2)

I hope you are both having a good week so far.

As you may or may not be aware, Aecom are instructed by Homes England as monitoring surveyor's. They have carried out a site visit to the Actavo site in Hull for the purposes of producing their report for us. They now need to carry out a site visit to the Actavo site in Ireland. Naturally, as this is more work for them, they will need to increase their fees for this work. In addition to the initial site visit, they will need to do monthly visits to the Actavo site for as long as the manufacturing remains ongoing.

You can see the email from Aecom below outlining the fee increase.

For your information, the existing Apex fees are;

Initial Report – s. 43

Monthly ongoing monitoring reports - s. 43

Please could you confirm by responding to this email, that the additional fees for Aecom are agreeable by yourselves.

Additionally, please could you confirm as soon as possible that the Actavo site in Kill, Ireland is appropriately accredited by BOPAS.

Please let me know if you need anything further from me.

Many Thanks,

s. 40(2)

s. 40(2)

Home Building Fund



Tel: s. 40(2)

Mobile: s. 40(2)

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From: s. 40(2) [redacted]@aecom.com]

Sent: 10 September 2019 16:28

To: s. 40(2)

Cc: s. 40(2)

Subject: Marion Court - AECOM Additional Fee

Good Afternoon S. [REDACTED]

Following on from our discussion on Friday regarding the visits to the modular manufacturing facility in Kill, Ireland (required due to the closure of the facility in Hull).

I've discussed the new requirements in detail with S. [REDACTED] and we've calculated our fee (per visit) to be S. 43 [REDACTED]

This fee will be in addition to the initial report and monthly reporting fees, which have already been agreed.

Please can you confirm that you are happy for us to proceed with this?

I spoke to S. 40(2) [REDACTED] on Friday and he has begun the process of arranging the initial visit which will (hopefully) take place later this month. I will let you know when the date has been finalised.

Kind Regards,

S. 40(2) [REDACTED]
[REDACTED]
S. 40(2) [REDACTED] [@aecom.com](mailto:[REDACTED]@aecom.com)

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Aldgate Tower
2 Lemn Street
London, E1 8FA
aecom.com

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s. 40(2)

From: s. 40(2) @apexairspace.co.uk>
Sent: 25 September 2019 15:37
To: s. 40(2)
Cc: s. 40(2)
Subject: FW: BOPAS - for Irelenad Actavo site

Hi s. 40(2)

Response below, I'll keep you advised.

Regards

s. 40(2)



s. 40(2)

D. s. 40(2)

M. s. 40(2)

33 Robert Adam Street, London W1U 3HR



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From: s. 40(2) @actavo.com>
Sent: 25 September 2019 15:11
To: s. 40(2) @apexairspace.co.uk>; s. 40(2) @actavo.com>
Subject: RE: BOPAS - for Irelenad Actavo site

s. 40(2)

Fee was paid on the 19th to extend our UK Accreditation to Ireland.

My team are following up now with BOPAS to try and get some confirmation of receipt and that now we are covered.

s. 40(2)

THINK SAFE, WORK SAFE

Regards,
s. 40(2)

Actavo | Building Solution Ireland
Old Milltown, Kill, Co. Kildare W91 XO93
T: +s. 40(2) | M: s. 40(2)
E: s. 40(2) @actavo.com | www.actavo.com



OUR VALUES: TRUE GRIT | BOLD AMBITION | WINNING SPIRIT | SMART PROGRESSION | THOROUGH DECENCY

From: s. 40(2) @apexairspace.co.uk>
Sent: 25 September 2019 14:22
To: s. 40(2) @actavo.com>; s. 40(2) @actavo.com>
Subject: FW: BOPAS - for Irelenad Actavo site

Hi s. /s. 40(2)

Please see below and attached, Please would you advise asap.

Many thanks

s. 40(2)



s. 40(2)

D. s. 40(2)

M. s. 40(2)

33 Robert Adam Street, London W1U 3HR



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From: s. 40(2) @homesengland.gov.uk>
Sent: 25 September 2019 13:21
To: s. 40(2) @apexairspace.co.uk>
Subject: BOPAS - for Irelenad Actavo site

Hi s. 40(2)

I hope you are well.

Please see attached letter from Actavo dated 12 September 2019, which was sent to Aecom by s. 40(2).

As you will see in the attached letter, Actavo have highlighted a process that needs to be met before BOPAS accreditation is confirmed. They confirm that they have started that process which is re-assuring. However, as discussed this process should be fully completed by the time we complete the first transaction. Our Monitoring surveyor will need confirm that BOPAS is fully in place within their first report to Homes England.

Could I ask you to look into this with Actavo and keep us updated on progress please.

please give me a call if you have any questions.

Many Thanks,

s.

s. 40(2)

Home Building Fund



Tel: s. 40(2)

Mobile: s. 40(2)

Homes England | Windsor House | 50 Victoria Street | Westminster, London | SW1 H0TL

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s. 40(2)

From: s. 40(2) @wslaw.co.uk>
Sent: 28 October 2019 15:04
To: s. 40(2) @apexairspace.co.uk; s. 40(2)
s. 40(2)
Subject: RE: Today's Call

s. 40(2)

The appointments/ warranties previously approved by MR are being circulated for signature.

Save for Arcadis, who have agreed in principle to sign their appointment and provide a warranty in a form acceptable to HE.

We will provide further update when we have it.

Many thanks

s. 40(2)

s. 40(2)

Winckworth
Sherwood

[Our Privacy Notice](#)

www.wslaw.co.uk

T +s. 40(2)
F +s. 40(2)
s. 40(2) @wslaw.co.uk



From: s. 40(2) @homesengland.gov.uk>
Sent: 28 October 2019 13:06
To: s. 40(2) @Mills-Reeve.com>; s. 40(2) @apexairspace.co.uk>; s. 40(2) @apexairspace.co.uk>; s. 40(2) @apexairspace.co.uk>; s. 40(2) @Mills-Reeve.com>; s. 40(2) @wslaw.co.uk>; s. 40(2) @Mills-Reeve.com>; s. 40(2) @wslaw.co.uk>; s. 40(2) @wslaw.co.uk>
Subject: RE: Today's Call
Importance: High

This message originated outside Winckworth Sherwood

Afternoon,

Please can I get an update from Winckworth, on progress with construction documents please ?

Many Thanks,

s.

From: s. 40(2)
Sent: 24 October 2019 11:53
To: s. 40(2) @apexairspace.co.uk; s. 40(2)
s. 40(2) @wslaw.co.uk; s. 40(2)
Subject: Today's Call

Morning,

Unfortunately, I cannot make the call today, apologies for any inconvenience this may cause.

I am therefore cancelling today's call, and we can all have a catch up next week. I will touch base with various parties to see if there has been any updates which need to be circulates to the wider team on this email chain.

Whilst you are all on this email chain, please can I ask for an update on the Construction side, for the last 2 weeks.

Many Thanks,

s.

s. 40(2)

Home Building Fund



Tel: s. 40(2)

Mobile: s. 40(2)

Homes England | Windsor House | 50 Victoria Street | Westminster, London | SW1 H0TL

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s. 40(2)

From: s. 40(2) @apexairspace.co.uk>
Sent: 04 March 2020 13:58
To: s. 40(2)
Subject: Apex HE catch-up

Follow Up Flag: Flag for follow up
Flag Status: Completed

Hi s. 40(2)

Following on from our call of a week Friday, do you have some times when you are in London to have a chat up over a coffee?

Regards

s. 40(2)

s. 40(2)



M. s. 40(2)

33 Robert Adam Street, London W1U 3HR



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