

gunnercooke

Viticulture & Wine Production
Legal Guide



Introduction

When acquiring a vineyard there are many issues to consider such as site selection, soil preparation and deciding planting materials. I offer a unique legal service to clients in the wine industry by utilising my professional knowledge of viticulture and wine production combined with my legal expertise, so you can keep your focus on where it needs to be.

This guide sets out information on some of the service we offer in relation to vineyards and wineries. In addition we can provide legal advice in additional areas including contracts, environmental, intellectual property, litigation, employment and tax.

Please contact us to discuss your requirements.

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Contact us



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Nisha is the founding Partner of gunnercooke's Wine and Spirits Group which acts for numerous clients in the wine industry. She is also a real estate lawyer with experience in all types of property and property finance transactions including buying, selling and leasing land, whilst offering a legal service which keeps the client's goals in mind. Combining her legal expertise with her WSET (Wine and Spirits Education Trust) qualifications, Nisha offers a distinctively insightful legal service for wine industry clients.



Property and Planning

Land for vineyards and wineries can be bought outright or leased. Vineyard land can have specific issues to consider, such as: clarifying the legal access through public highways or rights of way, establishing the legal boundaries of the land as rural land is not always as clearly delineated, and ensuring there are no restrictions that can affect your grape growing or alternative land uses such as construction of a tasting room. Our team is experienced in identifying these issues and finding solutions with you to ensure there are no legal issues that can devalue the land. If you decide to move on, we can also handle the sale of your vineyard ensuring a smooth process for both parties.

Planning is a unique area of law that requires a special set of skills and experience. Unlike other practice areas, planning requires extensive knowledge of policy, from central government, local government and non-departmental regulators, as well

as excellent legal knowledge. As a result, vineyard owners need a trusted authority to guide them through the myriad of policy and policymaking.

Planning permission is required for change of use of the land if a new vineyard is being established and for buildings such as wineries and bottling facilities. In addition vineyards may want to bring in other income streams through wine tourism and convert buildings or construct a shop for cellar door sales, tasting rooms and dining and this again may need further discussions with the local planning authorities.

Financing



Whether you are purchasing and planting a new vineyard from scratch, buying an established vineyard, installing a winery or expanding your holdings, you may need to look at financing options. We work as a multi-disciplinary real estate finance team comprised experienced professionals across the banking, real estate, construction, planning and tax sectors. Ranked in Legal 500 as a leading law firm for Real Estate Finance we can guide you through the lender's requirements in clear language, ensuring you have a full understanding of the agreements you are entering into and what your ongoing obligations are. We understand financial support can be the catalyst for the growth and success of your business and therefore **we act not only thoroughly, but also quickly and commercially.**



Transfer as a going concern

Instead of setting up a new vineyard another option is to acquire an established premises and business. This has the added benefit of removing the need to wait several years for your vines to produce commercial fruit and you can start production straight away. The two legal options are to acquire the shares of the target company or to acquire the land and other specific assets such as the intellectual property in the brand. Both of these courses of action mean due diligence will need to be done on a range of areas including property, employment, tax and intellectual property. We can negotiate the legal documentation, provide legal due diligence in all areas and ensure transparency and efficiency. **Our aim is always to make the processes as efficient as possible so that you can focus on your business and enjoy the fruits of your labour.**

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