



John Pugh-Smith

Year of call: 1977

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“Always alert to the commercial side of a client’s case.” The Legal
500 2020/2021/2022

John’s practice is now divided between acting as retained counsel dealing with town and country planning matters, with related environmental, real estate and local government work, and his increasing appointments as an experienced alternative dispute adviser and resolver in his various roles as an arbitrator, independent expert and mediator. As an active promoter of conflict resolution, particularly in the public sector, he is one of the specialist advisers to the All-Party Parliamentary Group on Alternative Dispute Resolution, a Design Council Expert, in which capacity he has acted as a member of its Highways England Design Review Panel, and is the co-ordinator of the Department for Levelling Up, Housing and Communities’ (DLUHC’s) Pathfinder Mediation Initiative. He is a Fellow of the Chartered Institute of Arbitrators. John receives regular appointments from the President of the Royal Institution of Chartered Surveyors (RICS) in respect of arbitration, expert determination and mediation on all non-rent review matters though with a focus on development related disputes. He also welcomes direct instructions and appointments.

Areas of expertise

- Alternative Dispute Resolution
- Energy and Natural Resources
- Environment
- Planning and Property

Alternative Dispute Resolution

In his role as an alternative dispute resolution (ADR) “neutral”, John acts an arbitrator, independent expert determiner and mediator. He became a CEDR accredited mediator in 2005 and completed advanced mediator training courses in 2007 and 2018. He was also elected to Fellowship of the Chartered Institute of Arbitrators in 2018. He is a member of the RICS President’s panel of arbitrators, independent experts and mediators through which he receives regular appointments. He is also a recommended member on the panel for the Association of Northern Mediators and works in association with CI Arb’s Dispute Appointments Service.

Sub-Areas of Expertise

- **Arbitration** - John's arbitration appointments tend to revolve around disputes dealing with the development of land and property including interpretation of obligations under section 106 of the Town and Country Planning Act 1990, the affordable housing "cascade" mechanism for a high-end residential development and a fee dispute concerning the obtaining of planning permission.
- **Expert Determination** - John's expert appointments tend to revolve around disputes dealing with the development of land and property including the interpretation of section 106s, development and promotion agreements, and, repairing obligations. He has also recently acted as a legal adviser and co-expert, on a multi-million pound scheme for the undergrounding of high-voltage overhead power lines across a proposed residential development site.
- **Mediation** - John's mediation work has involved and continues to concern disputes relating to a diverse range of issues including breach of contract, professional indemnity, property, personal injury, planning, community, compensation, environmental damage and religious differences. He is particularly known and receives regular appointments revolving around disputes involving planning and compulsory purchase order (CPO) matters.

Recommendations

- *"He gets to the nub of the issue quickly and with ease. He is also extremely well versed in providing good, commercial advice." "He has a consultative advocacy style and is very diplomatic and wants to achieve the best outcome to gain a win-win situation."* Chambers and Partners
- *"He is very experienced: he is very realistic about litigation and gives clients an honest view. He is approachable, friendly and knowledgeable, and fun to work with too." "He is always alert to the commercial side of a client's case. He responds both comprehensively and within the appropriate time scale."* Chambers and Partners
- *"He's a seasoned hand and a very experienced practitioner, who is very good at all aspects of litigation and judicial review work, and a very good negotiator to boot. He's someone you could use for any situation – he's very much an all-rounder." "A great drafter who provides excellent strategic advice."* Chambers and Partners
- *"Approachable and calm. As safe a pair of hands as you'd expect from such an experienced practitioner." "Really good with clients: he's not afraid of taking the bull by the horns and getting to the facts, giving the right advice even if he thinks that advice will be unpopular."* Chambers and Partners
- *"He is very personable and has a very good rapport with clients."* The Legal 500
- *"A commercial and astute practitioner."* The Legal 500
- *"Able practitioner, John Pugh-Smith, doesn't get as much credit as he deserves"* Chambers and Partners
- *"A safe pair of hands."* Chambers and Partners
- *"User-friendly and making a tremendous effort for his client."* Chambers and Partners

Memberships

- Association of Northern Mediators (ANM)
- Arbrix (RICS)
- Chartered Institute of Arbitrators (CIArb)
- Civil Mediation Council (CMC)
- Compulsory Purchase Association (CPA)
- Environmental Law Foundation (ELF)
- Lawyers Christian Fellowship (LCF)
- National Infrastructure Planning Association (NIPA)

- Planning and Environment Bar Association (PEBA)
- Retirement Housing Group (RHG)
- United Kingdom Environmental Law Association (UKELA)

Qualifications

Education

- CI Arb Fellowship 2018
- CEDR Accredited Mediator 2005
- The College of Law – Bar Finals: 1976-1977
- Oxford University – MA Jurisprudence: 1973-1976

Scholarships and Prizes

- Holker Award (Gray's Inn) 1977
- Uthwatt Scholarship (Gray's Inn) 1976

Additional information

Appointments

- All-Party Parliamentary Group on Alternative Dispute Resolution Specialist Adviser
- Association of Northern Mediators Panel Mediator
- Bar Council ADR Panel Member
- Compulsory Purchase Association ADR Sub-Committee Member
- Design Council Expert/Highways England Design Review Panel member
- Fellow of the Society of Antiquaries
- RICS DRS President's Panel Arbitrator, Independent Expert and Mediator

Other Chambers

John also holds an associate tenancy with East Anglian Chambers, 4 The Close, Norwich, NR1 4DH (01603 617351)

Publications

- Planning, Property & Compensation Report - Joint Editorial Adviser (Sweet & Maxwell)
- Richbell's "How to Master Commercial Mediation" – Contributor (Bloomsbury)
- Shackleton on the Law and Practice of Meetings currently at 15th Edition – General Editor (Sweet & Maxwell)
- Neighbours and the Law (currently at 5th Edition) - Originating Author and General Editor (Sweet & Maxwell)
- Environmental Law (currently at 2nd Edition) - Contributor (Oxford University Press)
- Archaeology in Law - Co-Author (Sweet & Maxwell)

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