



## 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

## Environment

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John's environmental work overlaps with his ADR and planning practices. He has particular expertise in Environmental Impact Assessment (EIA) issues. His project involvement has also covered waste management and contaminated land issues. He has particular experience with nature conservation issues involving European protected sites and species in addition to his authorship of that subject chapter for Oxford University Press's "Environmental Law" textbook.

## Sub-areas of expertise

- **Alternative dispute resolution (Environment)** - John's appointments, whether as an arbitrator,

independent expert or mediator tend to revolve around disputes dealing with the development of land and property. In the environmental context, these have embraced habitats, flooding, land contamination, enforcement and compensation issues but also professional negligence. He has also acted as a legal adviser and co-expert, including on a multi-million pound scheme for the undergrounding of high-voltage overhead power lines.

- **Biodiversity and habitats** - John's involvement with biodiversity and nature conservation issues arises principally through his ADR and planning practices. His historic knowledge was extended both by his authorship of that subject chapter for Oxford University Press's "Environmental Law" textbook as well as dealing with contentious mineral and housing proposals.
- **Clean energy and technologies** - John has advised on several wind and solar projects both for the promoter and objectors.
- **Environmental assessment** - John's expertise with EIA issues arises both from strategic project involvement with housing, education, institutional and commercial development as advisory counsel and as representing counsel in judicial review proceedings.

## Recommendations

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- *"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

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- 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

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### Education

- CIArb 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

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### 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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