



## 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

## Planning and Property

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John is regarded highly as a leading practitioner with long-experience in dealing with a variety of knotty planning issues, particularly now concerning section 106s. With residential development, he is currently acting on a variety of strategic schemes with attendant forward planning and development management implications. He regularly has to address affordable housing and viability considerations. From working with several operators over many years, John has also gained particular expertise in the retirement sector in respect of sheltered housing, assisted living and care home developments. He has also dealt with several education related projects.

### Sub-areas of expertise

- **Alternative Dispute Resolution (Planning and Property)** - John's appointments, whether as an arbitrator, independent expert or mediator tend to revolve around disputes dealing with the development of land and property. These have embraced the interpretation of section 106s, high-end development agreements, repairing obligations, planning enforcement, professional negligence and fee disputes and CPO compensation issues. He has also acted as a legal adviser and co-expert on a multi-million pound scheme for the undergrounding of high-voltage overhead power lines.
- **Art and cultural property** - Both as a practising barrister and as a neutral dispute resolver John's practice embraces cultural heritage and ecclesiastical matters. He is also one of the Design Council's Experts and a Fellow of the Society of Antiquaries, the latter arising out of his co-authorship of the seminal work *Archaeology in Law* (Sweet & Maxwell) and other related articles.
- **Compulsory purchase and compensation** - John has advised and acted for acquiring authorities and objectors, most notably for Gloucester City Council on the Blackfriars city centre redevelopment project. His other public inquiry appearances have included, for Arcelor Mittal, as the leading landowner objector to TFL's East London Transit Barking Riverside CPO, for Pinemill as the lead landowner objector to the Waterside Regeneration Area CPO, Leicester, and, for PA Freight Services, the lead objector at the A46 highway improvements supplementary orders public inquiry (Newark). He also acted for Caerphilly County Borough Council on the outstanding compensation aspects of the A469 Lower Rhymney Valley Relief Road in the High Court.

His increasingly active ADR practice has involved several Upper Tribunal (Lands Chamber) references taken to mediation including certificates of appropriate alternative development (CAAD) appeal and compensation references. He also presented a paper on the use of ADR in compensation disputes at the CPA's Annual Conference 2021.

- **High Court planning challenges** - While a necessary part of John's historic planning practice, he is also particularly noted for his robust advice on merits and strategic approach towards the successful resolution of projects without full recourse to litigation.
- **Planning policymaking** - John has advised several local planning authorities over the years on the formulation of their statutory development plans. He has also represented objectors at examinations and continues to provide strategic and tactical advice.
- **Planning applications** - John is particularly noted for his strategic approach towards the "de-risking" and successful resolution of projects.
- **Planning appeals, hearings and inquiries** - While a necessary part of John's historic planning practice, he is particularly noted for his strategic approach towards the successful resolution of projects without full recourse to the appeals process.
- **Planning enforcement** - While a necessary part of John's historic planning practice, he is particularly noted for his strategic approach towards the successful resolution of disputes without full recourse to the appeals process. He is also the co-ordinator of DLUHC's Pathfinder Mediation Initiative.

## 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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