



Richard Harwood OBE KC

Joint Head of Chambers

Year of call: 1993 | Silk: 2013

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"Richard is an outstanding advocate and knows the planning system like the back of his hand." Chambers and Partners 2022

Richard specialises in planning, environment, art and public law, acting for developers, landowners, central and local government, individuals and interest groups. He appears in the courts, inquiries, examinations and hearings, including frequently in the Planning Court and appellate courts. He has appeared in many of the leading cases of recent years.

His public law work includes local government, procurement and funding decisions. He also deals regularly with art law, particularly with a regulatory focus.

Richard is the author of the standard suite of planning law books Planning Enforcement, Historic Environment Law, Planning Permission and, as co-author, Planning Policy.

A member of the Bar Library, Belfast, he acts regularly in Northern Ireland. Richard is an Attorney-at-Law in Saint Lucia and has appeared recently in the Eastern Caribbean Court of Appeal.

Areas of expertise

Planning and Property

- Compulsory Purchase and Compensation
- Development Consent Orders and Infrastructure
- High Court Planning Challenges
- Highways, Footpaths and Rights of Way
- Planning Appeals, Hearings and Inquiries
- Planning Applications
- Planning Enforcement
- Planning Policymaking

Art and Cultural Property

Energy

Environment

- Environmental Assessment
- Administrative and Public
- Local Government
- Parliamentary

-- Environmental Assessment

Richard has appeared in many of the leading environmental impact assessment (EIA) and strategic environmental assessment (SEA) cases since 2000 for authorities, developers and third parties. He brought the cases which established how to approach mitigation in EIA screening (Lebus), the scope of urban development projects (Goodman), the duty to give reasons (Mellor), the need for development consent for demolition (SAVE Britain's Heritage), consideration of reasonable alternatives in SEA (Heard) and the unlawfulness of the offshore oil and gas regime (Garrick-Maidment).

Cases of note

- **Greenpeace Vorlich (2019-2022)** - Acting in the English judicial review and the Scottish proceedings to the Supreme Court on the relevance of greenhouse gases from oil and gas consumption.
- **R (Garrick-Maidment) v Secretary of State for Business, Energy and Industrial Strategy (2019)** - A challenge to offshore gas exploration. Richard established that the 1990 Offshore Petroleum Environmental Impact Assessment Regulations were unlawful.
- **Heard v Broadland DC [2012] EWHC 344 (Admin) [2012] Env. L.R. 23** - Remission of 12,000 houses and commercial development in Greater Norwich on strategic environmental assessment grounds.
- **Save Britain's Heritage v Secretary of State for Communities and Local Government [2011] EWCA Civ 334, [2011] P.T.S.R. 1140** - Established that demolition was subject to the EIA Directive. Consequently the exclusion of the demolition of commercial buildings from *planning control* was unlawful.
- **R (on the application of Mellor) v Secretary of State for Communities and Local Government [2009] EWCA Civ 1201** - Court of Justice of the European Union decision that reasons had to be given on request for environmental decisions, in that case that EIA was not required.
- **R (on the application of Lebus) v South Cambridgeshire DC [2002] EWHC 2009 (Admin) [2003] Env. L.R.17** - Challenge to decision not to require EIA of a poultry unit. The court held that EIA could not be avoided because information would be provided anyway or because of an assumption that mitigation, which was other than straightforward, would work.

Recommendations

"A superb technical lawyer. His opinions carry weight due to reputation and the various books that he has written on various aspects of the subject. He is also willing to be creative in finding solutions and to work with a team. A very strong litigator." The Legal 500 (2021)

"He is extremely knowledgeable and swift to provide assistance and advice." Chambers and Partners (2022)

"An acknowledged expert and brilliant on listed buildings and heritage issues, he is a superb technical lawyer whose opinions carry weight." The Legal 500 (2021)

"Top of the class knowledge of the subject combined with good pragmatic advice means Richard is a go-to

barrister in this field."Chambers High Net Worth (2022)

"Richard is an outstanding advocate and knows the planning system like the back of his hand."Chambers and Partners (2022)

*"He always gives excellent and clear advice."*Chambers and Partners (2022)

Memberships

- Administrative Law Bar Association
- Bar European Group
- Compulsory Purchase Association
- Institute of Art and Law
- National Infrastructure Planning Association
- Planning and Environment Bar Association
- Professional Advisers to the International Art Market
- UK Environmental Law Association

Qualifications

Education

- 1988-1992 Jesus College, Cambridge, Double First in Law, MA LLM

Scholarships and prizes

- 1990 Jesus College Scholarship
- 1990 E.C.S. Wade Prize for Administrative Law, University of Cambridge
- 1991 Squire Scholarship, University of Cambridge
- 1992 Astbury Scholar and Harmsworth Entrance, Middle Temple

Additional information

Appointments and offices held

- 2004-2010, Member, Advisory Panel on Standards for the Planning Inspectorate (appointed by the planning minister)
- 2007-2010, Deputy Chair, Advisory Panel on Standards for the Planning Inspectorate
- 2015-2016, Member, Local Plans Expert Group (appointed by the planning minister)
- 1998-2006, councillor in a London borough
- 2014: Awarded an OBE for services to planning and environment law decision-making
- 2019 - Joint Head of Chambers, 39 Essex Chambers

Publications

- Planning Enforcement (3rd Edition), Bloomsbury Professional, May 2020 (previous editions, 1996, 2012)
- Planning Policy (with Victoria Hutton), Bloomsbury Professional, January 2018
- Planning Permission, Bloomsbury Professional, February 2016

- Historic Environment Law, Institute of Art and Law October 2012, Supplement May 2014
- Contested Heritage – Removing art from land and historic buildings (with Catherine Dobson and David Sawtell), Law Brief Publishing, May 2022
- Journal of Planning and Environment Law – Case commentator Sweet & Maxwell 2000-2021 Halsbury's Laws of England, Planning (Vols 81, 82, 83) (consultant editor), 2018
- Local Government Contracts and Procurement (contributor) Tottel May 2007
- Planning and Compulsory Purchase Act 2004: A Guide to the New Law (co-author) Law Society 2005
- Contaminated Land: Property Transactions and the New Regime (co-author) EMIS 2000
- Archaeology in Law (contributor) Sweet & Maxwell 1996

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