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Chambers and Partners 2019

John Pugh-Smith’s principal practice area is town and country planning with related environmental, real estate, local government and parliamentary work. He is also an experienced alternative dispute resolver. (For John’s specialist mediator profile, please [click here](#)). 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 and a member of the Design Council’s Highways England Design Review Panel. He is a Fellow of the Chartered Institute of Arbitrators.

PRACTICE AREAS

- Planning, Environment & Property
- Alternative Dispute Resolution

SECTORS

- Energy
- Infrastructure

PRACTICE AREAS

PLANNING, ENVIRONMENT & PROPERTY HOUSING

John is regarded highly as a leading practitioner in dealing with residential development. The Planning magazine survey of the legal profession has particularly noted his expertise in housing and development plan work. 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 issues and section 106 variations. 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.

INSTITUTIONAL AND COMMERCIAL DEVELOPMENT

Over the last few years, John has acted for a variety of institutional and educational bodies, including English Heritage, Gresham's School, Hasmonian Schools, Hampshire Police Authority and St John's College, Cambridge, as well as being involved with the promotion of several commercial developments, including, within the Green Belt, a major hotel extension, various leisure enterprises, educational facilities and a private burial ground. Building on his experience of complex heritage related projects, John has acted for various promoters/appellants seeking to convert listed former "super cinemas" to new uses including a multi-screen cinema/conference centre with enabling residential development and Class D1 uses. He has also represented objectors to the conversion of a Grade I listed church (St. Marks, North Audley Street, Mayfair) to a health spa, to proposals for a new mosque adjacent to Sandhurst RMA, Camberley, Surrey, and to the "mega-mosque" proposal for Abbey Mills, Newham.

MINERALS

John's more contentious inquiries have included Celcon's new block factory in Kent and peat extraction in North Lincs and Somerset. He also represented Grundon at an inquiry into sand extraction in the Wessex Downs AONB. He is currently involved with major enforcement proceedings concerning mineral extraction in the East Midlands.

ENVIRONMENT

John's environmental work overlaps with his planning practice. He has particular expertise in Environmental Impact Assessment issues. In addition to the examples already given, his project involvement has also covered waste management and contaminated land issues. He also has particular experience with nature conservation issues involving European protected sites and species in addition to his authorship of that subject chapter on Oxford University Press's Environmental Law.

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 Rhymer Valley Relief Road in the High Court.

RECENT SIGNIFICANT INQUIRIES AND HEARINGS

North Essex Garden Communities (Part 1) Local Plans EIP: Acting for Wivenhoe Town Council

Newquay, Cornwall: Section 106B & BC modification appeals against planning obligations for an iconic apartment scheme. Acted for developer.

Chard, Somerset: Appeal inquiries into proposals for 450 houses, associated facilities and re-location of football ground. Acted for South Somerset Council.

Abbey Mills, Newham, East.London: Appeal inquiry into 9,000 capacity mosque and associated facilities. Acted for local action group

Pinner Road, Northwood: Enforcement appeal inquiry into whether a mixed development of 64 flats and a supermarket should be demolished. Acted for the owners.

Greater Norwich Joint Core Strategy Re-examination Hearing: Acted for consortium of promoters.

Ingelby Barwick, Stockton-on-Tees: Appeal inquiry into a proposal for 350 houses and a Free School. Acted for the Council.

Barrow-Upon-Soar: SSLCG recovered appeal inquiry into a proposal for 350 houses. Acted for Parish Council.

Chieveley Quarry, Newbury: Appeal inquiry into further sand extraction. Acted for mineral operators.

RECENT SIGNIFICANT CASES

R (North Norfolk Planning Watch Ltd CIC) v North Norfolk District Council [2017] EWHC 3345 (Admin) – use of prescribed application form for demolition of an unlisted building in a conservation area.

R (Community Against Dean Super Quarry Limited) v Cornwall Council & Shire Oak Quarries [2017] EWHC 40 (Admin) – enforcement of EIA development-delay- inadequate consideration of Habitats Regulations – retrospective planning application – declaration of illegality refused

R (Roskilly) v Cornwall Council & Shire Oak Quarries Limited [2015] EWHC 3711 (Admin) – Environmental Impact Assessment. Planning permission with negative scoping opinion overridden by later positive screening direction.

Saunders v Caerphilly County Borough Council [2015] EWHC 1632 (Ch): Compulsory Purchase Order compensation. Application of the Limitation Act 1980 ss.9, 29(5) to claim requiring Authority to refer matter to Upper Tribunal (Lands Chamber).

Barrow Parish Council v Secretary of State for Communities & Local Government [2014] EWHC 274 (Admin): NPPF, paras.47 & 49 interpretation. Five year housing shortfall. Realistic prospect of some development being built within that period.

JB Trustees Ltd v Secretary of State for Communities & Local Government [2013] EWHC 3555 (Admin): Lack of legal standing and absence of any merits of challenge to block rival housing developer's planning permission

R (Millgate Developments Ltd) v Wokingham Borough Council [2011] EWCA Civ 1062: S.106 Undertakings – inability to vary or discharge within 5 years but ability to refund contributions.

ALTERNATIVE DISPUTE RESOLUTION

John brings to his wider role as a successful dispute resolver his professional experience of dealing with the public and private sectors, and, interest groups, as clients. He has been involved with 'mediating' 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 became a CEDR accredited mediator in 2005 and completed Advanced Mediator Training Courses in 2007 and 2018 focusing on cross-cultural disputes and multi-party mediations amongst other topics. He is an active promoter of mediation, to which end he is one of the two specialist advisers to the All Party Parliamentary Group on Alternative Dispute Resolution. He is a long-serving member of the Bar Council's ADR Panel and a member of the Compulsory Purchase Association's ADR Sub-Committee. He is a recommended member on the panels for the Association of Northern Mediators and the RICS Dispute Resolution Service. He is a Fellow of the Chartered Institute of Arbitrators and works in association with CI Arb's Dispute Appointments Service.

As his work as a recognised facilitator, John's appointments have included acting as one of the "section 106 brokers" for the Department of Communities and Local Government's programme for releasing "stalled developments". He has worked, too, on behalf of National Lottery funders.

He has also received appointments to act as an arbitrator and an independent expert.

For John's specialist mediator profile, please [click here](#).

SECTORS

ENERGY

John has been involved with a growing number of renewable energy projects including several planning applications, inquiries and related litigation for the development of wind farms and solar/biomass proposals.

INFRASTRUCTURE

John acted for London City Airport in the DLR Extension Transport and Works Act Inquiry and appeared before the Crossrail Parliamentary Select committee for the Residents Society of Mayfair and St James. He has also been involved with other transport related projects including HS2. In his capacity as a Design Council Cabi Built Environment Expert he has recently been appointed as a member of the Highways England Design Review Panel.

RECOMMENDATIONS

John is recommended for his Planning law expertise in both Chambers & Partners and the Legal 500. Acquisition International also named John as Environmental Barrister of the Year 2013 and Lawyer Monthly did so as Planning & Environmental Barrister of the Year 2015.

QUOTES

"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 & Partners 2019

Clients appreciate the transparency of his advice: he has a good nose for detecting matters likely or unlikely to succeed in the High Court.' Legal 500 2018

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 & Partners 2018

"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 & Partners 2017.

"He is very personable and has a very good rapport with clients." Legal 500 2017

"His conduct is always courteous and gentlemanly, and he brings to bear his long experience." Legal 500 2016

"A commercial and astute practitioner" Legal 500 2015

"able practitioner" John Pugh-Smith 'doesn't get as much credit as he deserves'" Chambers UK 2013

"the 'tenacious' John Pugh-Smith, who spends the majority of his time in public inquiry appearances" Chambers & Partners 2012

"a man with a profound knowledge and understanding of planning law, particularly in relation to wind farms and housing" Chambers & Partners 2011

"absolutely unparalleled knowledge of town and country planning" Chambers & Partners 2010

"highly recommended and appreciated for his 'strong leadership' and 'mediatory approach to appeals, rather than combative'" Legal 500 2009

"user-friendly and making a tremendous effort for his client" Chambers & Partners 2008

"a safe pair of hands" Chambers & Partners 2007

APPOINTMENTS

- All-Party Advisory Group on ADR Adviser
- Association of Northern Mediators Panel Mediator
- Bar Council ADR Panel
- Compulsory Purchase Association ADR Sub-Committee member
- Design Council Built Environment Expert/Highways England Design Review Panel member
- Fellow of the Society of Antiquaries
- RICS DRS Panel Mediator

MEMBERSHIPS

- Chartered Institute of Arbitrators (CIArb)
- Compulsory Purchase Association (CPA).
- Environmental Law Foundation (ELF).
- Lawyers Christian Fellowship (LCF).
- National Infrastructure Planning Association (NIPA).
- Planning and Environment Bar Association (PEBA).
- United Kingdom Environmental Law Association (UKELA).

ADDITIONAL INFORMATION

QUALIFICATIONS

CIArb Fellowship 2018
CEDR Accredited Mediator 2005
Holker Award (Gray's Inn) 1977
Uthwatt Scholarship (Gray's Inn) 1976
The College of Law – Bar Finals: 1976-1977
Oxford University – MA Jurisprudence: 1973-1976

LECTURES

John is a regular speaker at lectures and seminars on both planning and mediation.

OTHER CHAMBERS

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

PUBLICATIONS

Planning, Property & Compensation Reports (Sweet & Maxwell)
Mastering Mediation – Contributor (Bloomsbury)
Shackleton on the Law and Practice of Meetings currently at 14th Edition (Sweet & Maxwell)
Neighbours and the Law currently at 5th Edition (Sweet & Maxwell)
Environmental Law currently at 2nd Edition (Oxford University Press)
Archaeology in Law (Oxford University Press)

ARTICLES

Recent Developments in Planning Case Law (various annual updates) and Newsletter articles

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