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Chambers & Partners

“He knows planning and environmental law inside out and has a really nice manner that appeals to clients.”

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Richard Harwood OBE QC specialises in planning, environment 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. Voted as one of the top ten Planning Silks in *Planning* magazine’s surveys, he has appeared in many of the leading cases of recent years. Richard is also a leading commentator, a case editor of the *Journal of Planning and Environment Law* and the author of planning law books *Planning Enforcement*, *Historic Environment Law*, *Planning Permission* and *Planning Policy*.

His public law work includes local government, procurement and funding decisions. Richard has appeared before Parliamentary committees on the last three railway Bills. He also deals regularly with art law, particularly with a regulatory focus.

Richard is a member of the Northern Irish Bar and the Bar Library, Belfast.

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## PRACTICE AREAS

- Planning, Environment & Property
- Administrative & Public

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## SECTORS

- Aviation & Aerospace
- Central Government
- Energy
- Infrastructure
- Local Government

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## PRACTICE AREAS

### PLANNING, ENVIRONMENT & PROPERTY

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### PLANNING

Advocacy and advisory work on all aspects of the planning process for developers, local planning authorities, statutory bodies and local interests.

### GENERAL PLANNING COURT WORK

Acted in over 330 planning cases in the Administrative/Planning Court. Major court cases include **R (Holborn Studios) v London Borough of Hackney** [2017] (amendments), **Newlyn Dean v Secretary of State for Communities and Local Government** [2014] EWCA Civ 193 (Green Belt), **R (Holder) v Gedling Borough Council** [2014] EWCA Civ 599 (Green Belt) **R (Majed) v London Borough of Camden** [2010] JPL 621 (legitimate expectation), **R (McCarthy) v Basildon DC** [2011] EWHC 2938 (Admin) (Dale Farm travellers) **R (Woolley) v Cheshire East Borough Council** [2010] JPL 36 (bats) and litigation on Spitalfields Market, Battersea Power Station, Bishopsgate Goods Yard and eco-towns.

### INQUIRIES, EXAMINATIONS AND HEARINGS

Appears regularly in planning inquiries and hearings for developers, local authorities and 3rd parties. These inquiries include retail, housing, minerals and waste projects and development consent order examinations.

### DEVELOPMENT PLANS AND POLICIES

Acted in 14 concluded development plan challenges and appeared in development plan examinations. He has promoted plans in England and Northern Ireland including the Surrey's Minerals and Waste Plans through lengthy examinations and the Spelthorne Core Strategy. Cases include **R (RWE Npower Renewables Ltd) v. Milton Keynes Council** [2013] EWHC 751 (Admin) and **R (Crownhall Estates) v Chichester Council** (2016).

### ENVIRONMENTAL IMPACT ASSESSMENT/STRATEGIC ENVIRONMENTAL ASSESSMENT

Richard is one of the leading lawyers on EIA and SEA issues. His major cases include **R (Mellor) v Secretary of State for Communities and Local Government C-75/08** [2010] Env LR 2 (reasons), **R (SAVE Britain's Heritage) v Secretary of State for Communities and Local Government** [2011] EWCA Civ 334 [2011] CMLR 48 (demolition) **Heard v Broadland District Council** [2012] Env LR 23 (SEA alternatives), **R(Champion) v North Norfolk District**

**Council** [2013] EWCA Civ 1657 (habitats pollution)

#### HISTORIC ENVIRONMENT

Acts extensively in historic environment matters, including over 60 Administrative/Planning Court cases on conservation areas, listed buildings, scheduled monuments, registered gardens and battlefields. Cases include **R (Williams) v Powys County Council** [2017] JPL 1236, the Greenside inquiry for English Heritage, **R (Friends of Hethel) v South Norfolk District Council** [2011] JPL 192, **R(Embleton Parish Council) v Northumberland County Council** [2014] Env LR 16 and numerous cases for SAVE Britain's Heritage.

#### ENVIRONMENTAL LAW

Richard acts in the full range of environmental matters. Recent cases include the Elvington Park abatement notice litigation, **Hirose Electrical UK Limited v Peak Ingredients Limited** [2011] Env LR 34 (private nuisance), **Peires v Bickerton** [2016] Env LR 27, **R v O'Grady Plant and Haulage Limited** [2011] Env LR 30 (waste offences) and permitting hearings.

#### COMPULSORY PURCHASE AND COMPENSATION

Richard acts for acquiring authorities and claimants in compulsory purchase inquiries and the Lands Chamber. Recent work includes promoting several major CPOs for industrial, town centre and residential schemes and compensation for road, rail and redevelopment schemes.

#### RENEWABLE ENERGY

Acts in the full range of waste matters from planning policy and applications, environmental permitting to waste prosecutions. Major cases include the five Newhaven and Hull EfW High Court cases, **Smout v Welsh Ministers** [2011] Env. L.R. 17, (modification orders on landfill site) and **R(Treagus) v Suffolk County Council** [2013] Env. L.R. 36 (anaerobic digester)

#### ADMINISTRATIVE & PUBLIC

##### PUBLIC AND LOCAL GOVERNMENT

General judicial review and advising on public authority powers. Richard's particular expertise include a £1 billion public contracts High Court claim, local authority vires, standards and probity (including the last Upper Tribunal case on councillor standards) and members' allowances. He also acts in highways rights of way and open space matters.

#### PARLIAMENTARY

Appears in Private and Hybrid Bill proceedings. Richard advises on and drafts amendments to Public Bills, including the Planning Act 2008, and has drafted two Private Members' Bills. He appeared before Select Committees on the Channel Tunnel Rail Link, Crossrail and High Speed 2 Bills.

#### ART LAW

Advises the art market, the major auction houses, owners, interest groups and regulators on art and antiquities matters, in particular real property/chattels issues, listed building consent, faculties, treasure and export control. Advised on high profile exports including the City of Adelaide, a Victorian clipper.

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## SECTORS

### AVIATION & AEROSPACE

Richard's aviation planning experience includes the Manchester Airport Second Runway and Robin Hood Airport Doncaster Sheffield inquiries and safeguarding issues at other UK airports. He is acting in the helicopter noise nuisance case: *Peires v Bickerton's Aerodromes Ltd* [2016] Env LR 27.

### CENTRAL GOVERNMENT

Richard acts for Ministers and government agencies and has provided training for civil servants, Planning Inspectors and the Planning Appeals Commission.

### ENERGY

Acts in Planning Court proceedings, public inquiries and advisory work on energy projects under the Town and Country Planning Act 1990, Planning Act 2008, Electricity Act 1989 and Gas Act 1968 regimes. These include gas power stations, onshore oil and gas (including fracking), carbon capture and storage, wind turbines (over 30 cases in the High Court), solar and underground gas storage.

### INFRASTRUCTURE

Acts in the full range of infrastructure projects and consent regimes including road schemes, development consent orders, Transport and Works Act orders, railway Bills and the Harbours Act. He advised Ministers on the Thames Tideway Tunnel and defeated the four judicial reviews brought against that scheme.

### LOCAL GOVERNMENT

Richard regularly acts for and against local authorities, including in vires, governance, standards and procurement matters. He has appeared in many of the major cases on local authority decisionmaking, including ***Bovis Homes v New Forest District Council*** [2002] EWHC 483 (Admin) (bias), ***R(Berky) v Newport City Council*** [2012] 2 CMLR 44 (bias), ***R(Friends of Hethel) v South Norfolk Council*** [2011] 1 WLR 1216 (majority voting), ***R(Champion) v North Norfolk District Council*** [2013] Env LR 38 (functions and responsibilities), ***R(Trillium Prime Property) v London Borough of Tower Hamlets*** [2011] EWHC 146 (Admin) (urgent meetings), ***R(Vieira) v London Borough of Camden*** [2012] EWHC 287 (Admin) (consultation with councillors) and ***Younger Homes Northern v First Secretary of State*** [2005] Env LR 12 (delegation arrangements). Having acted in the last councillor conduct case in the Tribunal, he deals regularly with probity matters. He has acted in High Court procurement challenges, including on development agreements and compulsory purchase. His local government work is informed by having served as a councillor and an adviser to the Local Government Association.

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## RECOMMENDATIONS

Environment/Planning Junior of the Year at the Chambers Bar Awards 2011.

Finalist for 'Barrister of the Year' at the Lawyer Awards 2006.

Recommended by Legal 500 as a leading silk in Administrative and public law, Energy, Environmental Law and Planning Law.

Recommended by Chambers UK as a leading silk in Art & Cultural Property Law, Local Government law, Environmental Law and Planning Law.

## QUOTES

*"He's an absolute expert in heritage matters." "A highly intelligent individual who has an immediate grasp of the issues in a case."* Chambers & Partners 2017

*"He is exceptional and is a man of enormous distinction." "He is very good in that he speaks the language of heritage people."* Chambers & Partners 2016

*"Excellent at quietly and methodically taking apart opposing witnesses."* Legal 500 2015

*"A go-to barrister for energy-related environmental and planning disputes."* Legal 500 2015

*"He is technically very good and can grasp technical evidence quickly. At inquiry his cross-examination is absolutely forensic – the best I've ever seen."* Chambers & Partners 2015

*"He knows planning and environmental law inside out and has a really nice manner that appeals to clients."* Chambers & Partners 2015

*"He is good technically, and with clients and in cross-examination."* Chambers & Partners 2015

*"A man with a keen intellect who applies great attention to detail. He is extremely affable and pleasant to work with, as well as highly competent."* Chambers & Partners 2014

*"He has a track record most people would give their right arm for, especially on environmental impact work."* Chambers & Partners 2014

*"He is very committed, takes a very hands-on approach and steers his way through tricky judicial reviews."* Chambers & Partners 2014

*"His arguments are very straightforward and very logical, and he is well respected in the profession."* Chambers & Partners 2014

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## APPOINTMENTS

Member, Local Plans Export Group (2015-2016)

Awarded an OBE for services to Planning and Environment Law Decision-making: 2014

Fellow of the Society for Advanced Legal Studies and former member of its Advisory Council

Former committee member of the Planning and Environment Bar Association

Former Deputy Chair of the Advisory Panel on Standards for the Planning Inspectorate

Former London borough councillor: 1998-2006

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## MEMBERSHIPS

- Member of UK Environmental Law Association

- Compulsory Purchase Association
- National Infrastructure Planning Association
- Bar European Group
- Administrative Law Bar Association
- Professional Advisers to the International Art Market

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## QUALIFICATIONS

Jesus College, Cambridge, Double First in Law, MA LLM  
 Scholarships from Jesus College, Cambridge University (Squire)  
 and Middle Temple (Astbury and Harmsworth Entrance)  
 E.C.S. Wade Prize for Administrative Law, Cambridge University  
 CEDR Accredited Mediator  
 Appointed OBE in the New Year Honours 2014 for services to planning and environment law decision making

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## ADDITIONAL INFORMATION

### PUBLICATIONS

Planning Policy (with Victoria Hutton), Bloomsbury Professional, January 2018  
 Planning Permission, Bloomsbury Professional, February 2016  
 Journal of Planning and Environment Law – Case commentator Sweet & Maxwell 2000 onwards  
 Planning Enforcement (2nd Edition), Bloomsbury Professional, July 2013  
 Historic Environment Law, Institute of Art and Law October 2012, Supplement May 2014  
 Local Government Contracts and Procurement (Contributor) Tottel May 2007  
 Planning and Compulsory Purchase Act 2004: A Guide to the New Law Law Society 2005  
 Contaminated Land: Property Transactions and the New Regime EMIS 31 December 2000

### ARTICLES

High Speed 2 Bill Select Committee hearings begin  
 Richard of York's descendants Gave Battle In Vain: article on Richard III judgment  
 Supplement to Richard Harwood's Historic Environment Law to be published at the end of May  
 Court of Appeal quashes wind turbine permission in Green Belt  
 Webinar on the new Planning Court  
 Thirty Nine Essex Street act in first Planning Court cases  
 Twenty members of Thirty Nine Essex Street recognised in the 2014 Planning Magazine Legal Survey  
 The High Court's new Planning Court  
 Thirty Nine Essex Street congratulate Richard Harwood QC on his award of an OBE  
 5 Members of Thirty Nine Essex appear in the High Court and Court of Appeal in Case Concerning Demolition of a Grade II Listed Building

Thirty Nine Essex Street success in Planning Magazine survey  
Discount offers on books Environmental Impact Assessment by Stephen Tromans QC and Planning Enforcement  
by Richard Harwood QC  
High Court quashes Milton Keynes Wind SPD  
Hefin Rees, Richard Harwood and James Strachan appointed as Queen's Counsel  
Richard Harwood successfully represents councillor in Tower Hamlets standards case  
Planning Enforcement (2nd Edition)  
Pre-publication offer on Historic Environment Law by Richard Harwood  
Minister funds demolition of Ringo Starr's house by mistake  
Chambers Bar Awards 2011  
Dale Farm traveller evictions  
Court rules demolition of homes in Gateshead was unlawful  
Court of Appeal rules that most of the Town and Country Planning Demolition Direction is unlawful

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