



“He is technically very good and can grasp technical evidence very quickly. At inquiry his cross-examination is absolutely forensic- the best I’ve ever seen”

Chambers & Partners

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

Chambers & Partners

Richard Harwood OBE QC 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. 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, as co-author, *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
- Art & Cultural Property
- Central Government
- Energy
- Infrastructure
- Local Government

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## PRACTICE AREAS

### PLANNING, ENVIRONMENT & PROPERTY

#### 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 350 planning cases in the Administrative/Planning Court. Major court cases include taking the listed buildings case of *Dill* all the way to eventual success in the Supreme Court, *Holborn Studios Majed*, *Dale Farm travellers*, *SAVE Britain's Heritage*, *Save Woolley Valley*, and the *Kensington stripy house* case.

#### 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. Recent major inquiries include *Former Wisley Airfield*, *Lotmead new settlement*, and *Chiswick Curve*.

#### DEVELOPMENT PLANS AND POLICIES

Acted in 16 development plan challenges in the courts and appeared in development plan examinations. He has promoted plans in England and Northern Ireland. 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 *Lebus*, *Goodman*, *Mellor*, *Heard*, *Save Britain's Heritage* and *Champion*.

#### 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 and numerous inquiries and hearings. Cases include *Dill v Secretary of State*, *Williams v Powys*, *Friends of Hethel*, *Pugh*, *Embleton*, the *Chiswick Curve* inquiry and numerous cases for SAVE Britain's Heritage.

## ENVIRONMENTAL LAW

Richard acts in the full range of environmental matters including environmental permitting (*BACI Bedfordshire*), statutory nuisance (*Elvington*), private nuisance (*Hirose, Pieres v Bickerton*), and waste (*O'Grady*).

## 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 road, industrial, town centre and residential schemes and compensation for road, rail and redevelopment schemes.

## ENERGY

Acts on regulatory, planning and environmental matters including numerous High Court cases on wind (for example, *Holder, RWE Npower v Milton Keynes, Joicey, Howell*), energy from waste (*BACI, Newhaven, Hull*) and anaerobic digestors (*Treagus*). Richard has appeared in onshore and offshore oil and gas cases, including the *Seahorses* and *Greenpeace Vorlich* litigation. He acts on Renewables Obligations and Renewable Heat Incentive matters, including appearing in the Northern Ireland Court of Appeal on RHI eligibility (*Green Belt NI*).

## ADMINISTRATIVE & PUBLIC

### PUBLIC AND LOCAL GOVERNMENT

General judicial review and advising on public authority powers. Richard's particular expertise includes public contracts, local authority vires, local authority procedure, standards and probity (including the last Upper Tribunal case on councillor standards) and members' allowances. He also acts in highways, rights of way, markets and open space matters.

## PARLIAMENTARY

Appears in Private and Hybrid Bill proceedings. Richard advises on and drafts amendments to Public Bills 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. He appeared for the former owner in the lead urns case *Dill v Secretary of State* where the Supreme Court set the tests for what can be a listed building. Richard has 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 Heathrow expansion as well as noise nuisance case (*Peires v Bickerton*).

### ART & CULTURAL PROPERTY

Richard has specialised in art law for over 20 years, advising art owners, auction houses and public authorities, including Historic England. He appeared successfully in the Supreme Court for the former owner of two lead urns who was challenging whether they could be listed buildings: *Dill v Secretary of State* (2020). The case establishes

what can be a listed building and provides important guidance on the status of art works. Richard has advised owners and auction houses on numerous occasions whether statues, paintings and furnishings are part of buildings or land for ownership or listed building purposes. He helped secure listed building consent on appeal for the removal and sale of a C18 chandelier at Sir William Turner's Hospital, Kirkleatham. Richard has acted in several of the most high profile export licensing cases of recent years, including the *City of Adelaide* ship. He has also advised on treasure, military remains and the ownership of archaeological objects by museums.

He advised the British Art Market Federation on the Dealing in Cultural Properties (Offences) Bill 2003, securing important amendments to the legislation. Richard was also an adviser to the Quinquennial Review of the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest.

Richard is the author of *Historic Environment Law* (2012, Supplement 2014) and has written for *Christie's Bulletin for Professionals*. He teaches on the Institute of Art and Law's diploma course, has guest lectured in art law at UCL, King's College London and Christie's and is teaching on the Queen Mary LLM in Art, Business and Law in 2020-21. Recommended for Art and Cultural Property law by Chambers Bar Directory and Chambers High Net Worth Directory, Richard is a member of Professional Advisers to the International Art Market. He is also a member of the Bar Library, Belfast.

## 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 on regulatory, planning and environmental matters including numerous High Court cases on wind (over 30 including (*Holder, RWE Npower v Milton Keynes, Joicey, Howell*)) energy from waste (*BACI, Newhaven, Hull*) and anaerobic digestors (*Treagus*). Richard has appeared on onshore and offshore oil and gas cases, including the *Seahorses* litigation and gas storage. He acts on Renewables Obligations and Renewable Heat Incentive matters, including appearing in the Northern Ireland Court of Appeal on RHI eligibility.

## 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. He has appeared at DCO examinations including the A63 Hull.

## 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 *Holborn Studios, Bovis Homes v New Forest, R (Friends of Hethel)* and *Trillium Prime Property*. Having acted in the last councillor conduct case in the Tribunal, he deals with probity matters and investigations into councillors and officers. 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.

Recommended by Chambers & Partners High Net Worth Individual Guide for Art & Cultural Property Law.

### QUOTES

"His arguments are super solid and he is very clear, calm and methodical." Chambers & Partners 2019

"He is always a pleasure to instruct – he is quick on the papers and grasps technical detail very swiftly. His cross-examination is calmly done and is absolutely forensic." Chambers & Partners 2019

"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

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## APPOINTMENTS

Joint Head, 39 Essex Chambers (2019-)

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

- 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

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## ADDITIONAL INFORMATION

### PUBLICATIONS

Planning Enforcement (3rd Edition), Bloomsbury Professional, May 2020  
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  
Journal of Planning and Environment Law – Case commentator Sweet & Maxwell 2000 onwards  
Halsbury's Laws of England, Planning (Vols 81, 82, 83) (consultant editor)  
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

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### LONDON

81 Chancery Lane,  
London  
WC2A 1DD  
Tel: +44 (0)20 7832 1111  
DX: London/Chancery Lane 298  
Fax: +44 (0)20 7353 3978

### MANCHESTER

82 King Street,  
Manchester  
M2 4WQ  
Tel: +44 (0)16 1870 0333  
Fax: +44 (0)20 7353 3978

### SINGAPORE

Maxwell Chambers,  
28 Maxwell Road,  
04-03 & 04-04, Maxwell Chamber  
Suites  
Singapore 069120  
Tel: +65 6320 9272

### KUALA LUMPUR

#02-9, Bangunan Sulaiman,  
Jalan Sultan Hishamuddin,  
50000 Kuala Lumpur,  
Malaysia  
Tel: +60 32 271 1085