



John Pugh-Smith

Year called 1977

Email john.pugh-smith@39essex.com

John's principal practice areas are town & country planning and environmental law. He deals with related local government, parliamentary and property work. He is also a practising mediator. In growing recognition of John's wide-ranging planning and mediation experience, this Autumn he has also been appointed both as a Design Council Cobe Built Environment Expert and as one of the DCLG's new "Section 106 brokers".

Qualifications

MATA's Advanced Mediator Training Course 2007

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

Practice Areas

Central & Local Government

Environmental & Planning

Mediation & Arbitration

Recommendations

John is recommended for Environmental and Planning law expertise in both Chambers & Partners and the Legal 500.

Quotes

"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"

London

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Email: clerks@39essex.com

DX: 298 London/Chancery Lane

www.39essex.com

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

"*his captivating addresses in court*" Chambers & Partners 2006

"*really gets into the subject without losing the audience*" Chambers & Partners 2005

"*high quality of advice*" to solicitors, Chambers & Partners 2004

"*leading senior junior*" Legal 500, The Lawyer and Planning

Cases

Environmental & Planning

R (Millgate Developments Ltd) v Wokingham Borough Council [2011] EWCA Civ 1062

S.106 Undertakings - ability to vary or discharge within 5 years - ability to refund contributions

Ryedale District Council v Secretary of State for Communities & Local Government and Others (QBD) 28

June 2010 [2010] EWHC 2140 (Admin)

PPS7 interpretation - re-use of buildings in the countryside - application of essential justification test

Enertrag (UK) Ltd v Secretary of State for Communities & Local Government and (1) Broadland District Council, (2) Guestwick Parish Meeting (QBD) 7 April 2009 [2009] EWHC 679 (Admin)

Visual impact - wind farm - heritage setting issues.

Hillingdon London Borough Council v (1) Secretary of State for Communities & Local Government (2) Autodex Ltd (QBD) 11 February 2008 [2008] EWHC 198 (Admin)

Certificates of lawfulness - ancillary and continuity of uses - overlapping enforcement notice.

Libra Homes Limited v First Secretary of State (QBD) 30 November 2006 [2006] EWHC 3541 (Admin)

Interpretation and application of Bournemouth tourist retention policies.

Crossrail Bill 19 July 2006

Appearances before the House of Commons Select Committee

Ewing v Office of the Deputy Prime Minister and North Somerset Council and Others (CA) 20 December 2005 [2005] EWCA Civ 1583

Vexatious litigants - leave to bring judicial review proceedings - costs of defendants and interested parties.

Oxford City Council v First Secretary of State and J A Pye (Oxford) Ltd (QBD) 29 October 2004 [2004]

EWHC 2447 (Admin); [2005] JPL 847

Housing sites sequential approach - status of vacant urban land - affordability of shared ownership tenure.

Laing Homes Ltd v Secretary of State for Transport, Local Government and the Regions and Pelham Homes Ltd (QBD) 1 October 2002 [2003] JPL 559

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Housing urban extension sites - alternative as material consideration - need to show conspicuously less drawbacks.

British Telecommunications plc v Gloucester City Council 1 January 2002 [2002] JPL 993

Planning permission underpinning CPO scheme - need for environmental statement - article 6 of the HRA - compatibility of CPO process.

Friends Provident Life Office v Secretary of State for the Environment, Transport and the Regions and Norwich City Council (QBD) 16 October 2001 [2002] 1 WLR 1450

Retail impact of rival new development - article 6 of the Human Rights Act - compatibility of local authority planning powers - need for call-in by SSETR.

Publications

Planning, Property & Compensation Reports Sweet & Maxwell 2012

Shackleton on the Law and Practice of Meetings currently at 12th Edition (Sweet & Maxwell: 2011)

Neighbours and the Law currently at 5th Edition (Sweet & Maxwell: 2009)

Environmental Law currently at 2nd Edition (Oxford University Press: 2009)

Archaeology in Law (Sweet & Maxwell: 1996)

Articles

Recent Developments in Planning Case Law (February 2012) and previous annual updates

Memberships

Planning and Environment Bar Association (PEBA)

United Kingdom Environmental Law Association (UKELA)

Environmental Law Foundation (ELF)

Lawyers Christian Fellowship (LCF)

Civil Mediation Council (CMC)

Appointments

Communities and Local Government Section 106 "Broker" (Mediator) (appointed November 2012)

Design Council/Cabe Built Environment Expert (appointed September 2012)

PEBA: Long-serving Committee member and chair of Membership and ADR Sub-Committees (retired July 2010) but continuing member of ADR Sub-Committee

Bar Council ADR Committee

RICS DRS Panel Mediator

IPOS Panel Mediator

Clerksroom Panel Mediator

Fellow of the Society of Antiquaries (elected in 2001 in recognition of his expertise in and services to archaeology and the law)

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Experience & Expertise

Planning

Advisory and advocacy work on all aspects of the planning process for developers, local authorities, statutory bodies and local interests in the UK. The *Planning* magazine survey of the legal profession 2010 particularly noted his expertise in housing and development plan work. Public inquiry appearances, in respect of which he spends the greatest part of his time, have led to him gaining particular expertise, in recent years, in care homes, retirement and affordable housing schemes and Green Belt housing developments. He is currently acting on a variety of strategic housing/mixed use schemes with attendant development plan and development control implications.

Over the last few years, John has also acted for a variety of institutional and educational bodies, including English Heritage, Herts County Council, Hampshire Police Authority and St John's College, Cambridge, as well as being involved with several commercial developments, including, within the Green Belt, a major hotel extension, various leisure enterprises and a private burial ground. John has also acted, for a number of years, for the peat industry and other mineral operators.

Building on his experience of complex heritage related projects, John has recently acted on behalf of the objectors to the conversion of a Grade I listed church (St. Marks, North Audley Street, Mayfair) to a health spa, on proposals for a new mosque adjacent to Sandhurst RMA, Camberley, Surrey and acted for various promoters/appellants seeking to convert Grade II star listed former "super cinemas" to new uses including a multi-screen cinema/conference centre with enabling residential development and Class D1 uses.

Environment

John's environmental work overlaps with his planning practice. He has particular expertise in Environmental Impact Assessment issues. His project involvement has covered waste management, minerals and contaminated land issues. His more contentious inquiries have included Celcon's new block factory in Kent and peat extraction in North Lincs and Somerset. 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*. He is 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.

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 recent public inquiry appearances include for Arcelor Mittal, the leading landowner objector to TFL's East London Transit Barking Riverside CPO and for the objectors to No. 549 Lordship Lane, Southwark CPO. He has recently been involved with the A46 highway improvements supplementary orders public inquiry (Newark) for the lead objectors.

Infrastructure Projects

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.

Mediation

By way of further training he completed MATA's Advanced Mediator Training Course in September 2007 focussing on cross-cultural disputes and multi-party mediations amongst other topics. He is an active promoter of mediation, to which end he is a founding member of the RICS's Planning Mediation Working Group and remains

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the PEBA representative on the ADR Committee of the Bar Council. He was a member of the Steering Group for the NPF/PINS research project on *Mediation in Planning* (the report of which was published on 30th June 2010) and conducted one of the planning mediations that has been evaluated. He continues as the CMC representative on the NPF's Programme Board (as well as a panel mediator) of the ongoing project (2011/12). John brings to his wider role as a successful mediator his professional experience, gained over the last 30 years, 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 and religious differences. He is a recommended member of the mediator panels for the RICS, IPOS and Clerksroom as well as Thirty Nine Essex Street Chambers.

Additional Information

Lectures

John is a regular speaker at lectures and seminars on both planning and environment law including Sweet & Maxwell's Annual Planning Conference.

Other Chambers

John also holds an associate tenancy with East Anglian Chambers, 15 The Close, Norwich, NR1 4DZ (01603 617351)

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