

Harry Spurr



YEAR OF CALL: 2001

“Very commercial, thorough and approachable.”

LEGAL 500, 2022
PLANNING AND ENVIRONMENT

Practice Overview

Harry is a specialist environmental and planning lawyer and an experienced commercial mediator.

Known for his expertise in environmental, planning and other aspects of regulatory law concerning land (such as highways, water, towns and village greens and statutory nuisance) Harry acts as advocate, and in an advisory role, for landowners, developers, other private parties, councils, regulators and other public bodies. He has practised previously from leading specialist London chambers Francis Taylor Building and has appeared in a substantial number of high-profile, high-value cases.

Harry is also an experienced commercial mediator, with a practice encompassing a wide range of commercial disputes and other conflict types. His clients include high-profile corporates, SMEs, public bodies, community groups, shareholders, professionals and private individuals. Peers and clients have described him as “a highly skilled mediator” who is “at the top of his profession”.

Harry has also been a successful entrepreneur and has founded and run businesses in the renewable energy sector (building an onshore wind portfolio, later sold to a foreign utility) and the drinks industry.

Harry is the author of a substantial number of articles on his specialist areas, and regularly speaks at seminars and webinars.

Areas of Expertise

Environmental

Harry acts for private and public sector clients in a broad range of cases in the environment and local government fields. These include landowners, operators, councils and regulators, and he has appeared before a variety of tribunals, including inquiries, hearings, various categories of appeal, and in the civil and criminal courts.

His experience includes statutory nuisance, wind and other renewable energy projects, environmental permitting, riparian duties, water abstraction, water pollution, drainage, waste collection and disposal, town and village greens, highways, footpaths and other rights of way, and various categories of licensing cases.

Harry is the author of a substantial number of articles on planning and environment law, and regularly speaks at seminars and webinars. Recent examples include the following:

- ▶ Current and emerging themes in Planning and Environmental Law (hosted by Bristol Law Society)
- ▶ A conflict at the heart of the Planning White Paper (and skateboarding during lockdown)
- ▶ Planning enforcement during lockdown – is remote mediation the solution?

Mediation

Harry is an experienced commercial mediator, described by peers and clients as “a highly skilled mediator” and “at the top of his profession”. His practice encompasses a wide range of commercial and civil disputes, acting for clients ranging from large, high-profile corporates to SMEs, public bodies and other organisations, shareholders, community groups, professionals and other private individuals.

He is also experienced in disputes involving land or property, including those concerning the regulation of land use such as environmental and planning conflicts and those engaging local authorities or other regulators, as well as complex disputes involving multiple stakeholders.

Harry also mediates in disputes within businesses and other organisations, such as shareholder, boardroom and management conflicts. He has considerable experience handling conflict within family-run enterprises.

The combination of Harry's experience as a successful entrepreneur in the renewable energy and drinks sectors, together with his extensive litigation background, puts him in a position that is rare for a mediator-barrister: he is unusually well placed to understand not only the legal context that frames disputes, but also their commercial drivers. This insight is of particular value in the deal-making environment of mediation.

Equally, his voluntary work as lead mediator for a charity in the challenging community mediation sector has allowed him to develop a sensitivity that can be critical when handling the emotional aspects of conflict, especially in high-emotion / high-conflict cases.

Harry is known for an approach to mediation that is characterised by informality, flexibility and responsiveness. He takes an innovative approach to process design to ensure that the parties' needs are fully met. For example he is pleased to mediate at any time, whether during litigation or before it, as well as in conflict entirely unconnected to litigation, including in the more informal role of facilitator. He will as necessary mediate over short or long periods (his experience ranges from two hours to more than six months) and he has extensive experience mediating not only in person, but also by video link and, as is increasingly the norm, in the hybrid format. His underlying approach is that anything is possible; accordingly he will tailor the process to suit the parties and the dispute in order to offer the best chance of resolution.

Harry, who also practices from specialist mediation chambers IPOS Mediation, has mediated disputes engaging a huge range of issues falling into the following broad categories:

- ▶ Commercial / contractual
- ▶ Partnership, shareholder, boardroom and management
- ▶ Corporate finance
- ▶ Financial services
- ▶ Professional and other negligence
- ▶ Real estate / property
- ▶ Landlord and tenant
- ▶ Environment
- ▶ Nuisance
- ▶ Agriculture / forestry
- ▶ Planning
- ▶ Local and other public authorities and regulators
- ▶ Town and village greens
- ▶ Public access, rights of way, and other public rights

- ▶ Renewable energy
- ▶ Transport
- ▶ Solicitors, law firms, legal costs
- ▶ Schools / education
- ▶ Employment
- ▶ Consumer rights
- ▶ Anti-social behaviour / personal conflict

Harry is the author of a substantial number of articles on mediation, and regularly speaks at seminars and webinars.

Planning

As a specialist planning lawyer, Harry acts as advocate and advisor to a wide range of private and public sector clients, including landowners, developers and other private parties, district, county, borough and unitary authorities, and other statutory bodies such as Historic England and the Environment Agency. He has appeared in the full range of forums and tribunals: planning appeals, call-in inquiries, enforcement appeals, development plan proceedings, judicial review and other High Court proceedings, prosecutions and injunctions.

Having practised at leading London chambers Francis Taylor Building and Landmark Chambers, Harry's experience of the planning system ranges across the spectrum, and includes a significant number of high-profile, high-value cases.

This experience includes, among other development types: urban extensions and new communities, major infrastructure development, local plans, major residential schemes, supermarket and other retail development, office and warehouse development, industrial processes, wind energy, waste collection and disposal, section 106 obligations and CIL, residential care villages, green belt development, holiday and caravan resorts, car-parking, listed buildings and conservation areas, gypsy sites, betting shops, public houses, advertisements, trees, highways and footpaths, town and village greens, and compulsory purchase.

Harry is the author of a substantial number of articles on planning and environment law, and regularly speaks at seminars and webinars.

Real Estate

Harry acts for landowners, local and other public authorities and regulators, individuals, community groups and other parties in relation to a range of disputes concerning land. He is known in particular for his expertise in highways / public rights of way matters and has considerable experience in town and village greens, disputes over water (including riparian duties and obligations, drainage, abstraction) and statutory nuisance.

Harry regularly advises, and has appeared extensively in court and at public inquiries, in disputes engaging these issues.

Harry is also an experienced mediator and although his mediation practice covers a broad spectrum of commercial and civil law disputes, he is regularly instructed to mediate in cases involving property. In this capacity he has acted in disputes concerning land used for commercial, retail, leisure, agricultural, forestry, education, public, sport, recreation and residential purposes, as well as development land. He has mediated in conflict engaging a wide range of issues, including the following:

- ▶ Land ownership
- ▶ Boundaries
- ▶ Trespass
- ▶ Easements
- ▶ Rights of way
- ▶ Rights to light
- ▶ Public access and other rights to land

- ▶ Town and village greens
- ▶ Adverse possession
- ▶ Sewerage and drainage
- ▶ Dilapidations
- ▶ Rent arrears
- ▶ Leasehold termination
- ▶ Forestry rights
- ▶ Leasehold covenants
- ▶ Freehold management
- ▶ Sale of land
- ▶ Planning
- ▶ Overage
- ▶ Development
- ▶ Solicitor professional negligence
- ▶ Nuisance
- ▶ Antisocial behaviour
- ▶ Renewable energy installations

Articles and publications:

- ▶ From savannah to settlement: the psychology of land disputes
- ▶ Why court should be the last resort for small businesses in dispute
- ▶ Changes of use in planning law – two common pitfalls for property lawyers
- ▶ Why the public sector should mediate more
- ▶ Pre-mediation conversations: how lockdown has created an opportunity for building better foundations in mediation
- ▶ Why is the jury still out on mediation: a discussion of recent case law
- ▶ Hastily drafted heads of terms in mediation: the risks
- ▶ When can confidentiality at mediation be overridden
- ▶ A conflict at the heart of the Planning White Paper (and skateboarding during lockdown)
- ▶ Planning enforcement during lockdown: is remote mediation the solution?

Professional memberships:

- ▶ Planning and Environmental Bar Association (PEBA)
- ▶ UK Environmental Law Association (UKELA)
- ▶ Civil Mediation Council (CMC)
- ▶ Chartered Institute of Arbitrators (CIArb)

Qualifications & awards:

- ▶ Centre for Effective Dispute Resolution (CEDR)
- ▶ Inns of Court School of Law
- ▶ Exeter University

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