



Odette Chalaby

Planning & Environment



Year of Call: 2021

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Odette is a specialist planning, environmental, and public law barrister. In her first year of practice, she was recognised in Planning Magazine's Guide to Planning Lawyers as one of the 20 top-rated planning juniors under 35, the most recently qualified entrant on the list.

Odette represents developers, public authorities, and interested parties at all stages of the planning process. She is particularly interested in matters at the intersection of planning and environmental law, including renewable energy, biodiversity net gain, habitats, and EIA.

She has been instructed in cases before the Privy Council, High Court, Crown Court, magistrates court, and at numerous s.78 TCPA appeals. She regularly appears as junior counsel on significant multi-week planning inquiries, including solar farms, minerals development and large housing schemes.

Odette is an elected trustee of the UK Environmental Law Association (UKELA), where she has responsibility for coordinating regional groups, editing the e-law publication and organising junior seminars. She is also a member of the Attorney General's "Junior Junior" scheme.

Before coming to the Bar, Odette was a policy journalist at Apolitical.

Renewables and Minerals

Odette has been instructed on a variety of energy / infrastructure schemes, including on sites in the AONB, in the Green Belt, and on best and most versatile agricultural land.

Recent instructions include:

- currently representing the Appellant at a called-in inquiry for a solar farm in the AONB (led by Thea Osmund-Smith)
- currently representing the Appellant at an inquiry for a solar farm in the Green Belt (led by Thea Osmund-Smith)
- currently representing the Appellant at an inquiry for a 50MW standalone battery storage scheme (led by Thea Osmund-Smith)
- represented the Appellant in the High Court (*Bramley Solar Farm Residents Group v SoS* [2023] EWHC 2842 (Admin)) and at inquiry, securing permission for a 45MW solar farm and battery storage in Bramley, Hampshire (led by Thea Osmund-Smith)
- represented the Appellant at a two-week minerals inquiry, securing permission for a sand and gravel quarry in Devon APP/J1155/W/22/3299799 & 3299802 (led by Richard Kimblin KC)
- represented the Appellant at inquiry, securing permission for a 49.9MW solar farm and battery storage in Langford, Devon APP/Y1138/W/22/3293104 (led by Thea Osmund-Smith)
- represented the Appellant at inquiry, securing permission for a 49.9 MW solar farm and battery storage in Greatworth, Northamptonshire APP/W2845/W/23/3315771 (led by Thea Osmund-Smith)

Odette is an active member of the National Infrastructure Planning Association's (NIPA) early years practitioners' group.

Residential and Commercial

Odette frequently represents developers, local authorities, and interested parties at all stages of the planning process.

Recent instructions include:

- currently representing the LPA at an inquiry re: 195 homes (unled)
- represented the Appellant at a hearing re: 40 homes in Hallow, Worcestershire (secured permission and costs) APP/J1860/W/23/3323076 (unled)
- represented the Appellant at a hearing re: 25 holiday lodges in Tenbury Wells, Worcestershire (secured permission and costs) APP/J1860/W/21/3273533 (unled)
- represented the Appellant at a successful hearing re: storage of 1,000 cars and 40 HGVs in Lichfield, Staffordshire APP/K3415/W/22/331352 (unled)
- represented the LPA at a hearing re: pub-resi conversion in Devon (permission refused and costs awarded against the Appellant) APP/W1145/W/22/3312735 (unled)
- represented the Appellant at an inquiry securing permission for 233 dwellings in Saffron Walden, Uttlesford APP/C1570/W/22/3296426 (led by Chris Young KC)
- represented the LPA at an inquiry re: 481 units of asylum seeker accommodation in Staffordshire (APP/Y3425/W/23/3315258) (led by Hugh Richards)
- represented the Appellant at an inquiry securing permission for 80 dwellings, local centre, and associated infrastructure in Cotford St Luke, Somerset APP/W3330/W/22/3304839 (led by Chris Young KC)
- represented a Parish Council at an inquiry re: 120 homes in Desford, Leicestershire (APP/K2420/W/23/3320601) (unled)
- represented the Appellant at a successful hearing re: 6 homes in Lichfield, Staffordshire APP/K3415/W/22/3305895 (unled)
- represented the Appellant at an inquiry securing permission for 76 dwellings in Angmering, West Sussex APP/C3810/W/22/3295115 (led by Thea Osmund-Smith)
- represented the Appellant at an inquiry securing permission for: 48 dwellings in Walberton, West

Sussex APP/C3810/W/22/3309365 (led by Thea Osmund-Smith)

- represented the Appellant at an inquiry securing permission for 90 dwellings in Glastonbury, Mendip APP/Q3305/W/22/3311900 (led by Thea Osmund-Smith)
- represented the LPA at an inquiry re: 45 dwellings in Leigh Sinton, Malvern APP/J1860/W/21/3289643 (led by Richard Kimblin KC)
- represented the Appellant at an inquiry re: 95 homes and sports facilities on Metropolitan Open Land in London APP/G5180/W/23/3315293 (led by Chris Young KC)

Odette also has experience in advising in relation to residential/commercial permitted development matters, including office-resi conversions. During pupillage, Odette assisted Thea Osmund-Smith in an important Court of Appeal case around interpretation of the GPDO (*Cab Housing v SoS LUHC* [2023] EWCA Civ 194). On behalf of the Secretary of State, they successfully resisted an application for permission to appeal to the Supreme Court.

Environment

In addition to her renewable energy work, Odette has experience of, and interest in, a wide range of net zero and climate change matters.

Current instructions include:

- Drafting submissions to the Inter-American Court of Human Rights regarding the Chile / Colombia request for an Advisory Opinion on States' obligations to respond to the climate emergency within the framework of international human rights law
- Assisting an NGO in an EU law climate change matter
- Advising on electric vehicle charging policy in the UK
- During pupillage, Odette assisted her supervisor Nina Pindham on two landmark climate change cases: the successful judicial review of the Government's Net Zero Strategy (*R (Friends of the Earth et al.) v SoS* [2022] EWHC 1841 (Admin)); and the Court of Appeal case on EIA assessment and downstream greenhouse gas emissions *R (Finch) v Surrey County Council* [2022] EWCA Civ 187 (which is subject to an appeal to the Supreme Court).
- Before coming to the Bar, Odette volunteered for the Environmental Law Foundation researching local authorities' climate change emergency declarations. As a law student volunteer, she also assisted Plan B Earth in drafting its human rights submissions in *R(Friends of the Earth Ltd et al.) v Heathrow Airport Ltd* [2020] UKSC 52.
- Odette has advised clients in the public and private sectors on nature conservation law, including on the implementation of biodiversity net gain under the Environment Act 2021. Together with Nina Pindham, she was instructed by the Planning Advisory Service to provide legal advice on the implications of the Habitats Regulations for all local authorities affected by Natural England's "nutrient neutrality" guidance. She has also been junior counsel at planning inquiries raising issues of phosphate mitigation.
- Odette has a particular interest in EU environmental law matters. She has provided expert legal commentary for LexisNexis on the implications of the Retained EU Law Bill for domestic environmental law. She is part of the Planning and Environmental Bar Association's (PEBA) retained EU law working party and part of UKELA's Environmental Assessment Working Party. In 2022, Odette was awarded a Sir John and Sophie Laws Scholarship by the Bar European Group.

Odette also has growing experience in water law. Led by Richard Kimblin KC, she has advised statutory undertakers on interpretation of the Water Industry Act 1991 and the suite of retained EU law, including the Urban Waste Water Treatment Regulations.

Prosecutions and Enforcement

Odette has experience representing and advising clients in relation to planning enforcement matters, including immunity from enforcement, lawful development certificates, enforcement notices and planning injunctions. Recent instructions include:

- currently representing the LPA at a lawful development certificate inquiry
- represented the LPA at an enforcement inquiry in Thorncliffe, Staffordshire
- represented the LPA at an interim hearing in the High Court in relation to proceedings against 28 defendants and alleged breaches of a s.187B planning injunction (North Kesteven District Council v Price QB-2022-000178).

Odette has also successfully conducted a number of waste prosecutions under the Environmental Protection Act 1990. She has appeared unled in the Crown Court for sentencing of such offences, with one of her prosecutions resulting in significant custodial sentences for two defendants. Her cases include:

- Solihull Council v Biddle and Edwards
- Herefordshire Council v Turley
- Herefordshire Council v Biddle, Biddle and Mellings
- Wyre Forest District Council v Harris

Public Law

Odette's experience of public law and judicial review extends beyond planning and environment. As part of the "Junior Junior" Panel, she has been instructed on an immigration and asylum matter for the Government. As a law student, she volunteered for the School Exclusion Project, representing parents of children excluded from school at various appeals.

As to public international law, Odette was part of the Counsel team that represented the Appellant pro bono in the Privy Council case *Caryn Moss v The King (Bahamas)* [2023] UKPC 28, relating to a conviction for conspiracy to murder in the Bahamas. The Privy Council quashed the 35-year sentence, on the basis that the woman had been pressured by gang members.

Languages

- French

Appointments and Memberships

- Elected Trustee of the UK Environmental Law Association (UKELA)
- Attorney General's "Junior Junior" scheme
- Member of PEBA (Planning and Environmental Bar Association)
- Member of NIPA (National Infrastructure Planning Association)

Awards

- Sir John and Sophie Laws Scholarship (Bar European Group)
- Queen Mother Scholarship (Middle Temple)
- BVS and GDL Scholarships (City University)
- 11KBW Prize for Public Law (City University)
- Major Postgraduate Scholarship (HEFCE/SOAS)
- Lady Wilson Prize (University College, Oxford)
- Academic Exhibition (University College, Oxford)
- Roger Short Scholarship (University College, Oxford)

Qualifications

- Oxford University, BA Philosophy Politics & Economics, First Class
- SOAS University of London, MA, Distinction
- City Law School, GDL, Distinction
- City Law School, BVS, Outstanding