

Jessica Allen

Call: 2019



Jessica Allen is a specialist environmental lawyer and welcomes instructions in all aspects of environmental law, including planning, property, environmental torts, and EU/international law. She has acted for individuals, NGOs, developers, local authorities, and central government.

Alongside her practice, Jessica frequently publishes articles and delivers presentations on environmental law. She chaired the Public Interest Environmental Law (PIEL) UK Annual Conference in 2019 and is currently a convenor of the UK Environmental Law Association (UKELA) Environmental Litigation Working Group.

Expertise

Environment

Jessica welcomes instructions in all areas of environmental law.

Her recent work includes:

- Drafting a case for the Respondent counsel team in *Manchester Ship Canal Ltd v United Utilities Ltd* UKSC 2022/0121, which concerned the lawfulness of outfalls of untreated sewage into a canal (led);
- Acting for the claimant community group in a judicial review of a council's decision to grant planning permission in circumstances where a supplementary planning document on development in an area of outstanding natural beauty had not been taken into account;
- Acting for a company in an appeal against a statutory nuisance abatement notice on the ground that the wrong person had been served;
- Advising an individual on the merits of a judicial review of a council's decision to grant planning permission in circumstances where the comments of a wildlife officer had been misquoted and reasons were not given for departing from the views of a statutory consulted;
- Advising an environmental NGO on the introduction of Serious Disruption Prevention Orders (SDPOs) by the Public Order Act

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2023;

- Advising a developer on the lawfulness of proposals to fell an area of ancient woodland;
- Advising a developer on the lawfulness of a local planning authority's approach to EIA screening of connected developments (led);
- Advising residents on an application for registration based on adverse possession of an unadopted road and area of woodland (led); and
- Advising central government on the lawfulness of an inspector's finding that woodland was not ancient and did not benefit from additional protection under national policy (led).

Prior to coming to the Bar, Jessica held legal and policy roles at WWF, the Environmental Law Foundation, and ClientEarth. She has produced and presented articles, reports, briefings, and consultation responses on a range of environmental law matters – from habitat conservation and biodiversity loss to environmental pollution and climate change.

Planning

Jessica has experience of a range of planning matters and welcomes instructions in all areas of planning law. She is particularly interested in matters arising at the intersection of planning law and environmental law.

Her recent instructions include:

- Petitioning the HS2 (Crewe – Manchester) Bill Select Committee for a four-platform underground through station at Manchester Piccadilly (led);
- Acting for the appellant in an inquiry into a 234-home residential scheme on greenfield land raising affordable housing, landscape, townscape and flood risk issues (led by Peter Goatley KC);
- Acting for the appellant in an inquiry into a major storage and distribution scheme on greenfield land raising landscape and heritage issues (led by Peter Goatley KC);
- Acting for the appellant in an inquiry into the alleged change of use of land from a single dwellinghouse with ancillary commercial and equestrian uses to a mixed use comprising a dwellinghouse, a commercial use and a further residential use of a caravan (led by Hugh Richards);
- Advising a local authority on a proposed application for an order under section 77 of the Building Act 1985 in relation to a Grade II listed building;
- Advising a local authority on potential options to resolve an incompatibility between a Class Q approval and a Section 52 agreement;
- Advising a local authority on the lawfulness of its decision to issue a protected site licence;
- Advising a landowner on a proposed application to vary an order made under section 77 of the Building Act 1985 in relation to two Grade II listed buildings;
- Advising a landowner on the enforceability of a series of breach of condition notices;
- Advising a developer on the grounds for terminating an agreement for lease in light of draft Section 106 obligations (led);
- Advising a developer on the viability of a Section 73 application seeking variation of an approved plans condition as a means of consolidating a series of applications in respect of the same land (led);
- Advising a developer on whether the conversion of an agricultural building into a residential building constituted Class Q permitted development (led);
- Advising a developer on the lawfulness of a local planning authority's approach to EIA screening of connected developments (led); Advising a developer on whether Section 73 applications proposing changes to EIA development would need to be accompanied by an environmental statement (led); and
- Advising central government on potential options to amend planning policy and legislation in a Crown Dependency (led).

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Planning Judicial and Statutory Reviews

Jessica has particular experience of the conduct of planning judicial and statutory reviews.

Her recent instructions include:

- Acting for the claimant community group in a judicial review of a council's decision to grant planning permission in circumstances where a supplementary planning document on development in an area of outstanding natural beauty had not been taken into account;
- Acting for an individual claimant in a judicial review of a council's decision to grant planning permission on grounds that the planning officer had misinterpreted local policy and reached a conclusion without evidence;
- Acting for the defendant council in a judicial review of its decision to grant planning permission on grounds that it failed to take material considerations into account and there was procedural irregularity;
- Acting for the defendant council in a judicial review of its decision to impose a traffic regulation order without lawful consultation;
- Preparing pre-action correspondence for an individual claimant in relation to a proposed judicial review of a council's decision to grant planning permission on grounds that it had breached its duties under the Equality Act 2010;
- Preparing draft pleadings for the claimant developer in a judicial review of a council's decision to publish a local plan review without lawful consultation (led);
- Preparing draft pleadings for the interested party in a judicial review of a council's decision to grant of planning permission on grounds including that a background document had not been published in accordance with section 100 of the Local Government Act (led);
- Advising an individual on the merits of a judicial review of a council's decision to grant planning permission in circumstances where the comments of a wildlife officer had been misquoted and reasons were not given for departing from the views of a statutory consultee; and
- Advising central government on the validity of a general vesting declaration and its amenability to legal challenge (led).

Jessica has also been a marshal to the Supervising Lord Justice for Planning, Lord Justice Lindblom, in a planning matter before the Court of Appeal, and to Mr Justice Holgate in a planning judicial review hearing in the High Court.

Public Law

Jessica is an experienced public lawyer who welcomes instructions in all areas of public law. She has particular experience of the conduct of judicial review proceedings.

Her recent instructions include:

- Acting for the claimant community group in a judicial review of a council's decision to grant planning permission in circumstances where a supplementary planning document on development in an area of outstanding natural beauty had not been taken into account;
- Acting for an individual claimant in a judicial review of a council's decision to grant planning permission on grounds that the planning officer had misinterpreted local policy and reached a conclusion without evidence;
- Acting for the defendant council in a judicial review of its decision to grant planning permission on grounds that it failed to take material considerations into account and there was procedural irregularity;
- Acting for the defendant council in a judicial review of its decision to implement a traffic regulation order on the ground that it had failed to carry out a lawful consultation;
- Preparing pre-action correspondence for an individual claimant in relation to a proposed judicial review of a council's decision to

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grant planning permission on grounds that it had breached its duties under the Equality Act 2010;

- Preparing draft pleadings for the claimant developer in a judicial review of a council’s decision to publish a local plan review on the ground that it had failed to carry out without lawful consultation (led);
- Preparing draft pleadings for the interested party in a judicial review of a council’s decision to grant of planning permission on grounds including that a background document had not been published as required under statute (led);
- Preparing draft pleadings for central government in an application for review of a decision of a panel of the Environment and Traffic Adjudicators on the ground that the panel erroneously engaged in a judicial drafting exercise (led);
- Advising an individual on the merits of a judicial review of a council’s decision to grant planning permission on grounds that the comments of a wildlife officer had been misrepresented and reasons had not been given for departing from the views of a statutory consultee; and
- Advising central government on the validity of a general vesting declaration and its amenability to legal challenge (led).

In autumn 2023, Jessica was instructed as a junior to the Post Office counsel team reviewing documents for disclosure to the Horizon IT Inquiry. She is currently a member of the Attorney General’s Junior Junior scheme.

Before coming to the Bar, Jessica was a judicial assistant to the former Vice President of the Court of Protection, Mr Justice Hayden, and assisted with the drafting of judgments in medical treatment and welfare cases.

Civil Liberties

Jessica is familiar with the procedures of the European Court of Human Rights, having completed a traineeship at the Court in 2020. As a trainee, Jessica drafted of a comparative law report for the Grand Chamber presiding over the *Albert and Ors v Hungary* case on the standing of bank shareholders to challenge administrative law measures. She also conducted legal research into the activities of states parties to the Convention and the intersection between human rights and the environment. Jessica is currently a reporter for the European Human Rights Reports and well-placed to advise on matters with a human rights dimension.

International Environmental Law

European law

Jessica has a particular interest in European environmental law and policy. She has a diploma in European Union (EU) law studies from l’Université Toulouse 1 Capitole, France, and completed the European Environmental Law programme of the ERA Academy of Environmental Law. In 2023, Jessica was awarded a Sir John and Lady Sophie Laws Scholarship by the Bar European Group to attend their annual conference in Lisbon, Portugal.

After the European Commission referred Greece to the Court of Justice in 2019 over its failure to protect biodiversity, Jessica was asked to produce a comparative law report for WWF Greece on the legal and institutional frameworks for protected areas in four other European countries that had implemented the Birds Directive (Directive 2009/147/EC) and the Habitats Directive (Directive 92/43/EEC). She presented her report to the NGO in September 2020.

In her role at ClientEarth, Jessica drafted and presented briefings on a range of topics including national emission reduction commissions, vehicle type approval and market surveillance, ecodesign standards, and energy labelling. She has also advised on environmental impact assessment, strategic environmental assessment, and urban waste-water treatment.

International law

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As a postgraduate, Jessica specialised in comparative and international law. She has a particular interest in international environmental law and the international law of the sea, having researched marine pollution, the conservation of living resources, and biodiversity beyond national jurisdiction. She received the Law Faculty Prize for Comparative & Global Environmental Law for her cohort.

Jessica is also interested in the sustainability of trade measures and subsidies. In 2019, she participated in the John H. Jackson Moot Court Competition organised by the World Trade Organization, which concerned certain measures related to electric vehicles charging points and infrastructure. Her team received the prize for Best Complainant Memorandum at the European round in Vienna, Austria.

Accreditations

- Sir John and Lady Sophie Laws Scholarship (Bar European Group, 2023)
- Fox Scholarship (Harold G. Fox Education Fund, 2021)
- Human Rights Law Bursary (Human Rights Lawyers' Association, 2019)
- David Karmel European Scholarship (Gray's Inn, 2019)
- Kingsland Cup (Francis Taylor Building, 2019)
- Wildlife Law Bursary Award (UK Environmental Law Association, 2018)
- Dean's Scholarship for Academic Excellence (City Law School, 2018)
- Wilfred Watson BPTC Scholarship (Gray's Inn, 2018)
- Law Faculty Prize for Comparative & Global Environmental Law (University of Oxford, 2018)
- Mansfield Graduate Award (Mansfield College, 2018)
- Student Essay Prize (UK Centre for Animal Law, 2018)
- Punch Coomaraswamy Prize (University of Nottingham, 2017)
- Andrew Less Essay Prize (UK Environmental Law Association, 2014)

Memberships

- UKELA (UK Environmental Law Association)
- PEBA (Planning and Environmental Bar Association)
- Gray's Inn

Appointments

- Convenor of the Environmental Litigation Working Party (UK Environmental Law Association)
- Reporter (European Human Rights Reports)

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Qualifications

- Bachelor of Civil Law – Distinction (University of Oxford, 2018)
- BA (Hons) Law with French and French Law – First Class (University of Nottingham, 2017)
- Diplôme d'Études du Droit de l'Union Européenne (Université Toulouse 1 Capitole, 2016)

Languages

- French (Advanced)

Publications

- J. Allen, 'The dawn of mandatory biodiversity net gain' (2024) 141 UKELA e-law Journal 17
- J. Allen and E. Montlake, Response to the OEP Call for Evidence on Protected Sites for Nature (Environmental Law Foundation, 2023)
- H. Narulla, J. Allen et al., Office for Environmental Protection Draft Strategy and Enforcement Policy Consultation (Oxford Sustainable Law Programme, 2022)
- J. Allen, Legal and institutional frameworks for protected areas: France, Spain, Sweden and the United Kingdom (WWF Greece, 2020)
- J. Allen et al., 'De-extinction, environmental regulation and nature conservation' (2020) 32(2) JEL 309
- J. Allen, 'The human dimension of nature conservation' (2019) 114 UKELA e-law Journal 17

Pro Bono

Jessica is committed to access to justice and has provided pro bono advice on several claims for judicial review on an urgent and non-urgent basis. She is happy to accept instructions pro bono in appropriate cases. In 2024, Jessica was nominated as Junior Pro Bono Barrister of the Year.

Other Information

Jessica was raised in a single-parent household and attended local state comprehensive schools in the North of England. She is the first in her family to be called to the Bar. In her free time, she enjoys rock climbing, hiking, and playing the piano.

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