

Odette Chalaby

Call: 2021



Odette Chalaby is a specialist planning, environmental and public law barrister. She has been recognised by Planning Magazine as one of the 6 top-rated junior planning barristers under 35 in the country.

Odette represents developers, public authorities and interested parties at all stages of the planning process, from inquiries and hearings to High Court challenges. Her experience includes promoting solar farms, large housing schemes and minerals development.

Odette is also an elected trustee of the UK Environmental Law Association (UKELA) and a member of the Attorney General's "Junior Junior" scheme.

In terms of pro bono work, she was part of the counsel team that represented the Appellant in the Privy Council in *Moss v The King (Bahamas)* [2023] UKPC 28, a case relating to conspiracy to murder in the Bahamas.

Expertise

Planning

Odette represents developers, public authorities and interested parties at all stages of the planning process, including in the High Court, s.78 appeals, and DCOs.

She has been recognised by Planning Magazine as one of the 6 top-rated junior planning barristers under 35 in the country.

Energy

Odette has significant experience in renewable energy planning, in particular solar, battery storage and energy from waste schemes. She has appeared at multiple inquiries/hearings for solar and battery storage schemes, several of these Secretary of State call-ins. Her experience spans proposals in the Green Belt, National Landscapes, and on best and most versatile agricultural

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land.

- recently secured consent at inquiry for a 49.9MW 'Grey Belt' solar and battery storage scheme at Burcot, Oxfordshire (ref: 3350890) (unled)
- currently representing the Appellant in respect of an inquiry for a 40MW solar farm in the Green Belt (unled)
- currently representing the Appellant in respect of a hearing for a 49.9MW solar scheme (unled)
- currently representing the Appellant at an inquiry for a solar and battery storage scheme in the Green Belt (led by Thea Osmund-Smith)
- currently representing the Appellant at an inquiry for a solar farm that has been called in by the Secretary of State (led by Thea Osmund-Smith)
- represented the Appellant at a hearing, securing consent for a 27MW solar farm in Lincolnshire (ref: 3337544, unled)
- represented the Appellant securing consent for a 49.9MW solar farm in the Green Belt at Fobbing (ref: 3328712, led by Thea Osmund-Smith)
- represented the Appellant securing consent for a solar farm in the Green Belt at a called-in inquiry at Honiley Road (ref: 3333671) (led by Thea Osmund-Smith)
- represented the Appellant in the High Court in *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 inquiry, securing permission for a 49.9MW solar farm and battery storage in Langford, Devon (ref: 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 (ref: 3315771, led by Thea Osmund-Smith)
- represented the Appellant at an inquiry for a solar farm in the AONB at Cruxton, which was recommended for approval by the Inspector but refused by the Secretary of State (led by Thea Osmund-Smith)
- represented a local community group at a six-day solar farm inquiry

High Court Challenges

Odette has experience of both bringing and defending judicial and statutory reviews, including under s.288 and s.289 TCPA. Recent experience includes *Bramley Solar Farm Residents Group v SoS* [2023] EWHC 2842 (Admin) (led by Thea Osmund-Smith), where she successfully defended a challenge to a grant of permission for a 45MW solar farm. Key matters dealt with by the High Court included amendments at appeal stage and alternatives.

Odette is currently instructed to represent an Interested Party in the High Court in another challenge to a solar farm consent. Led by Thea Osmund-Smith, Odette was involved in successfully resisting an application for permission to appeal to the Supreme Court on behalf of the Government in an important case around interpretation of the GPDO, *Cab Housing v SoS* LUHC [2023] EWCA Civ 194. Odette assisted in drafting grounds for both the High Court and Court of Appeal.

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 *R (Finch) v Surrey County Council* [2022] EWCA Civ 187.

Major Infrastructure

Odette has a particular interest in, and growing experience of, all aspects of major infrastructure projects. She has appeared at both DCO examinations and s.78 inquiries dealing with such schemes. Current instructions include promoting a series of solar farms that fall just below the 50MW threshold for nationally significant infrastructure projects and representing a local community group in the Gatwick Airport second runway DCO.

Odette is an active member of the National Infrastructure Planning Association. For more details of her experience, please see the

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Energy section.

Minerals & Waste

Odette has experience in both advisory and appeal work relating to minerals development. Odette has also spoken at the annual RTPI Minerals Planning Conference.

Cases include:

- currently representing the Appellant as junior counsel for an inquiry relating to a proposed sand and gravel quarry in the Green Belt
- represented the Appellant at a two-week minerals inquiry, securing permission for a sand and gravel quarry in Devon (refs: 3299799 & 3299802 led by Richard Kimblin KC)

Planning Appeals

Odette has already appeared in more than 25 planning inquiries and hearings, related to developments including in the energy, residential, minerals and commercial sectors. She represents developers, public authorities, and interested parties at all stages of the planning process, both unled and as junior counsel.

Please see the Energy, Residential and Minerals sections for some examples of Odette's recent experience, which includes:

- Major residential inquiries and hearings
- Major renewable energy inquiries
- Major minerals inquiries
- Hearings dealing with a range of commercial developments (e.g. securing consent for storage of 1,000 cars and 40 HGVs (ref: 331352), securing consent for 25 holiday lodges together with costs (ref: 3273533), securing costs and refusal on behalf of an LPA at a hearing re: a pub-resi conversion in Devon (ref: 3312735))

Planning 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 representing local authorities and appellants at enforcement and lawful development certificate inquiries and hearings. Odette has also represented the LPA at a hearing in the High Court in relation to proceedings against 28 defendants and alleged breaches of a s.187B planning injunction.

Residential

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Odette frequently represents developers, local authorities, and interested parties at all stages of the residential planning process. Recent instructions include:

- represented the Appellant at a hearing re: 40 homes in Hallow, Worcestershire (secured permission and costs) (ref: 3323076, unled)
- represented the Appellant in several multi-week residential planning inquiries for more than 100 homes, both in London and elsewhere, led by Chris Young KC (e.g. ref: 3296426, ref: 3304839)
- represented the Appellant in residential planning inquiries led by Thea Osmund-Smith, including in West Sussex (ref: 3309365 and ref: 3295115) and Glastonbury (ref: 3311900)
- represented a Parish Council and a local authority at inquiries for 195 and 120 homes respectively (unled)
- represented the Appellant at a hearing securing consent for 6 homes in Lichfield (ref: 3305895, unled)

Environment

Odette's practice spans a broad spectrum of environmental law matters, including environmental assessment, climate change, water law and protected sites and species. She is particularly interested in issues at the intersection of planning and environmental law, including renewable energy, biodiversity net gain and retained EU law. Since 2021, Odette has been an elected trustee of UKELA.

Climate

Odette has significant experience in renewable energy planning, in particular solar and battery storage schemes. She is frequently instructed on high profile inquiries and hearings, several of these Secretary of State call-ins. For more details, please see the "Energy" section of this page.

Odette also has experience of, and interest in, a wide range of net zero and climate change matters. Current and previous instructions include:

- Part of a global team of Counsel drafting submissions on behalf of the WWF to the International Court of Justice regarding the request for an Advisory Opinion on States' climate obligations under international law
- Representing a local community group objecting to the proposed DCO for a second runway at Gatwick Airport (led by Estelle Dehon KC)
- Part of a global team of Counsel drafting submissions on behalf of the Global Strategic Litigation Council to the Inter-American Court of Human Rights regarding the request for an Advisory Opinion on States' climate obligations under international human rights law
- Part of a team of Counsel assisting a group of NGOs challenging changes to the EU Taxonomy in respect of investments in shipping and aviation
- Advising on electric vehicle charging policy in the UK
- Advising a local authority on the interaction of minerals development and climate policy
- Advising a charity on carbon credits and the draft Saltmarsh Code

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 has since been successfully appealed in the Supreme Court.

As a law student volunteer, Odette 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.

Environmental Assessment

Odette advises across a wide range of issues arising from environmental assessment, from EIA screening and scoping to habitats assessment and legal reform.

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Odette has a particular interest in retained EU environmental law. She has provided expert legal commentary for LexisNexis on the implications of the Retained EU Law Bill for domestic environmental law. She is also part of PEBA's retained EU law working party and a member of UKELA's Environmental Assessment Working Party.

Pollution, Waste & Water

Odette has growing experience in water and waste 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.

Odette also has experience of advising developers, statutory undertakers and local authorities on the intersection of the planning system with water and waste water regulation.

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

Protected Habitats and Species

Odette has been involved in a number of inquiries involving protected habitats and species issues, including phosphate mitigation and the Wild Birds directive.

She has also advised clients in the public and private sectors on a range of nature conservation issues. Previous instructions include:

- Together with Nina Pindham, providing advice on behalf of the Planning Advisory Service on the implications of the Habitats Regulations to all local authorities affected by Natural England's "nutrient neutrality" guidance
- Providing advice to a charity on interpretation of the new draft Saltmarsh Code
- Advising and drafting grounds of appeal in relation to a SSSI consent modification

Biodiversity Net Gain

Being at the intersection of both planning and environmental law, Odette has particular interest in all aspects of biodiversity net gain. She is familiar with the evolving legal framework and associated guidance. She has provided advice on matters including implementation and small sites.

Accreditations

- Sir John and Sophie Laws Scholarship (Bar European Group)
- Queen Mother Scholarship (Middle Temple)
- BVS and GDL Scholarships (City University)

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- 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)

Memberships

- UK Environmental Law Association (UKELA)
- Planning and Environmental Bar Association (PEBA)
- Administrative Law Bar Association (ALBA)
- National Infrastructure Planning Association (NIPA)

Appointments

- Elected Trustee of the UK Environmental Law Association (UKELA)
- Attorney General's "Junior Junior" scheme

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

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