

Odette Chalaby

Call: 2021



Odette Chalaby 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 and retained EU law.

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

Odette is also 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.

Odette’s broader public law experience extends to education and immigration. She is a member of the Attorney General’s “Junior Junior” scheme. As to international public law, she was part of the team that represented the Appellant pro bono 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.

In her first year of practice, Odette 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.

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Energy

Odette has significant experience in renewable energy planning, in particular solar and battery storage schemes. She has already appeared at ten 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 land.

Recent instructions include:

- representing the Appellant at a hearing for a 27MW solar farm (unled)
- representing the Appellant at a called-in inquiry for a solar farm in a National Landscape (led by Thea Osmund-Smith)
- representing the Appellant at two separate inquiries for solar farms in the Green Belt (led by Thea Osmund-Smith)
- representing a local community group at a solar farm inquiry (unled)
- 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 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)

Planning Judicial and Statutory Reviews

Odette has experience of both bringing and defending judicial and statutory reviews, including under s.288 and s.289 TCPA.

Recent experience includes:

- Currently representing the IP in the High Court in a challenge to a solar farm consent (led by Thea Osmund-Smith)
- Represented the IP in Bramley Solar Farm Residents Group v SoS [2023] EWHC 2842 (Admin) (led by Thea Osmund-Smith), 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.
- Resisting an application for permission to appeal to the Supreme Court in an important case around interpretation of the GPDO, Cab Housing v SoS LUHC [2023] EWCA Civ 194 (led by Thea Osmund-Smith). Odette assisted in drafting grounds for both the High Court and Court of Appeal.
- Drafting grounds in a range of s.288 and s.289 challenges. One recent example involved issues of human rights and the best interests of the child in the context of the planning system.

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, major infrastructure projects. She has appeared at both DCO examinations and s.78 inquiries dealing with such schemes.

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Current instructions as junior counsel 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's (NIPA) early years practitioners' group.

For more details of her experience, please see the Energy section.

Minerals & Waste

Odette has experience in both advisory and appeal work relating to minerals development. This includes:

- representing the Appellant at a two-week inquiry, securing permission for a sand and gravel quarry in Devon APP/J1155/W/22/3299799 & 3299802 (led by Richard Kimblin KC)
- advising a local authority on the interaction of climate and minerals policy

Odette has also presented a legal update at the annual RTPi Minerals Planning Conference.

Planning Appeals

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

Her experience includes:

- Representing a range of clients in energy development inquiries and hearings (please see Energy section for details)
- Representing a range of clients in residential inquiries and hearings (please see Residential section for details)
- 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 Appellant at a hearing re: 25 holiday lodges in Tenbury Wells, Worcestershire (secured permission and costs) APP/J1860/W/21/3273533 (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 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 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)

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:

- currently representing the LPA at a lawful development certificate inquiry
- represented the LPA at an enforcement inquiry

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- 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)

Residential

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

Example 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 an inquiry securing permission for 233 dwellings in Saffron Walden, Uttlesford APP/C1570/W/22/3296426 (led by Chris Young KC)
- 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 90 dwellings in Glastonbury, Mendip APP/Q3305/W/22/3311900 (led by Thea Osmund-Smith)

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 has been instructed on cases in the High Court and on ten inquiries/hearings for solar and battery storage schemes, several of these Secretary of State call-ins. For more details, please see the Energy section.

In addition to her renewable energy work, Odette has experience of a wide range of climate change matters. Recent examples include:

- Representing a local community group objecting to the proposed DCO for a second runway at Gatwick Airport (led)
- Drafting submissions to the Inter-American Court of Human Rights regarding the request for an Advisory Opinion on States' climate obligations under international human rights law (led)
- Assisting a group of NGOs challenging changes to the EU Taxonomy in respect of investments in shipping and aviation (led)

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- Advising on electric vehicle charging policy in the UK (led)
- Advising a local authority on the interaction of minerals development and climate policy (led)

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.

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.

Environmental Assessment

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

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 & Wastewater

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 various matters arising out of the interaction between the planning system and water and waste water regulation.

Odette has 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.

Protected Habitats & 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 legal questions related to protected habitats and species. For example, 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.

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Accreditations

- 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)

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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