

Year called 1990

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“She brings enthusiasm and commitment, with a good depth of knowledge in relation to infrastructure projects.” “Celina is able to cut through the detail and provide excellent strategic advice to the client.”

Chambers & Partners 2021

Top planning lawyer, ranked Tier 2: “She has a track record of infrastructure matters.” **Legal 500 2021**

“Highly competent when faced with challenging circumstances.” **Legal 500 2020**

“She is extremely knowledgeable and personable and is our go-to barrister for disputed planning matters.” “She has been approachable, friendly, committed and effective. She has provided accessible and clear advice to clients. Her knowledge of the law is exemplary and she displays huge stamina during a case.” **Chambers UK 2019**

“She is extremely good, particularly with clients and consultant teams, and deals with substantial volumes of work diligently.” “She has an excellent sense of judgement and is excellent at dealing with senior players in the industry.”

Chambers UK 2018

Celina Colquhoun specialises in all aspects of planning and environmental law and also has good experience in licensing matters. Celina is ranked by Legal 500 (tier 2 in London; tier 1 in the Midlands) and in Chambers & Partners (Band 4) for Planning. She is also rated by Planning Magazine Legal Survey 2019 as amongst the UK’s top planning juniors.

She has appeared extensively as an advocate in public inquiries and hearings as well as in the High Court and Court of Appeal.

She acts for and advises a very wide range of public bodies and private parties addressing planning development consents, appeals as well as planning enforcement and the promotion of or objection to development related Orders.

She is Co-Vice Chair of the Bar Council’s EU Law Committee and an active member of the Bar Council’s Law Reform Committee.

Celina was appointed as a member of the six person panel constituting the government's Independent Review of Administrative Law, along with Vikram Sachdeva QC in July 2020.

PRACTICE AREAS

- Planning, Environment & Property
 - Administrative & Public
-

SECTORS

- Infrastructure (including airports, highways & sewers and drains)
 - Energy and Waste
 - Local Government (including highways & rights of way, and town & village greens)
 - Licensing
-

PRACTICE AREAS

PLANNING, ENVIRONMENT & PROPERTY

"She brings enthusiasm and commitment, with a good depth of knowledge in relation to infrastructure projects."

"Celina is able to cut through the detail and provide excellent strategic advice to the client." **Chambers & Partners 2021**

"She has a track record of infrastructure matters" **Legal 500 2019-20**

Celina regularly acts for and advises local authority and private sector clients in all aspects of planning and environmental law. She also regularly appears in the High Court and Court of Appeal in respect of statutory challenges and judicial review. She undertakes both prosecution and defence work in respect of planning and environmental enforcement in Magistrates' and Crown Courts. She specialises in all aspects of compulsory purchase and compensation, acting for and advising acquiring authorities seeking to promote such Order or objectors and affected landowners. Her career had a significant grounding in national infrastructure planning and highways projects and she has continued that specialism throughout.

ADMINISTRATIVE & PUBLIC

Celina regularly appears as an advocate in the higher courts for Claimants, Defendants and Interested Parties in public law cases.

SECTORS

INFRASTRUCTURE (INCLUDING AIRPORTS, HIGHWAYS & SEWERS AND DRAINS) AVIATION & AEROSPACE

Celina's career at the Bar began with national infrastructure planning and in particular represented the Government's Airports Policy Division as well as the Highways Agency at the 1995-99 Heathrow Terminal 5 inquiry. Since then she has acted for smaller airfield owners and operators as well as the landowners of Manston Airport in respect of the application for a Development Consent Order in 2019.

MAJOR INFRASTRUCTURE

Celina has advised and acted for Government bodies, developers and objectors in a number of major infrastructure projects consented by means of various processes including Town and Country Planning Act 1990; Highways Act 1980; Transport and Works Act 1992 Planning Act 2008 and hybrid bill. Of particular note was her early experience acting for the Highways Agency promoting the Highways Orders in relation to Heathrow Terminal 5 in the late 1990s and her appointment under s.101 of the Planning Act 2008 to provide legal advice and assistance to the Examining Authority appointed to examine the NSIP DCO for the cross- London Thames Tunnel Tideway (or " Super Sewer") application in 2013- 2014. She is currently acting for Portsmouth City Council in respect of the DCO application for AQUIND Interconnector Project due to be examined in 2020.

ENERGY AND WASTE

Celina has acted in a wide range of energy and waste related cases for and against relevant regulators and developers. Relevant experience includes the development of energy from waste schemes as well as contractual and planning issues arising out of the operation of waste treatment facility producing solid residual fuel; renewable energy schemes; proposed nuclear new build; electricity substations and wind turbines. She is currently instructed by Portsmouth City Council in respect of the DCO application for AQUIND Interconnector Project – for an electric power transmission link between the South Coast of England and Normandy in France.

LOCAL GOVERNMENT (INCLUDING HIGHWAYS & RIGHTS OF WAY, AND TOWN & VILLAGE GREENS)

Celina advises and represents local authority and private clients in all aspects of local government law including highways, rights of way and development plans. She has advised and acted for a number of authorities through to the successful adoption of local plans as well as advised on neighbourhood plans. She is a specialist in highways law and has acted for a number of Highways Authorities in respect of all aspects of Highways and Rights of Way Law particularly issues arising under the Highways Act 1980 and the Countryside and Rights of Way Act 2000. She has also represented applicants and registration authorities in village green/commons inquiries. In addition she has advised upon local government constitutions and breaches of the Code of Conduct for Council members as well as conducted an investigation into complaints.

LICENSING

Celina has good experience of applications and appeals under Licensing Act 2003 regime from 2006 onwards and advised/sat on a licensing panel.

CASES

MAJOR AND NATIONAL INFRASTRUCTURE

- **AQUIND Interconnector DCO (Aquind Ltd)** – instructed to advise and appear for principal objecting authority Portsmouth City Council. Examination due 2020.
- **UBB v Essex County Council** [2019] EWHC 1924 (Admin) for UBB led by James Strachan QC successful JR challenge by waste developer/operator to Lawful Development Certificate decision in favour of Waste Authority – parallel contractual claim in Technology and Construction Court led by Martin Kingston QC; David Turner QC; further appeal pending (2018-19).
- **Manston Airport DCO** (Riveroak Ltd) DCO application to reopen and develop –for objecting landowner of Airport Stone Hill Park Ltd – issues raised including challenging status as NSIP; and pre-application rights of entry (2018-19).
- **The County of Herefordshire (South Wye Transport Package– A4194 Southern Link Road) CPO and SRO** (Highways Act 1980) promoting Orders for County Highway Authority (2018-19).
- **Stryjak v Hounslow LBC** [2016] EWHC 1897 (Admin) – JR of decision to grant permission for Academy in MOL on behalf of Claimant (2016).
- **Moorside Nuclear Power Station DCO** – proposed application by Nugeneration Ltd (scheme in abeyance) (2016).
- **Proposal for Energy Storage Facility**– pre-application advice (2016).
- **HS2 Petition on behalf of Middleton HS2 Action Group** – instructed by Action Group presented petition (2014).
- **Thames Tideway Tunnel DCO** application by Thames Water – appointed under s.101 of the Planning Act 2008 to advise ExA during examination and reporting stage (2013-14).

DEVELOPMENT PLANS

NEIGHBOURHOOD PLANS

- **Advising South Oxfordshire DC** re NDPs (2020).
- **Advising South Bucks DC** re designation of NDA – impact on Pinewood Studios (2015).
- **R(oaoMaynard) v Chiltern DC & Chalfont St Peter Parish Council** [2015] EWHC 3817(Admin) – successful challenge to NDP – Council had disagreed with Inspector in favour of the C on removal of site from NDP; instructed by RCA Regeneration and Irwin Mitchell (2015).

LOCAL PLANS

- **Dudley MBC Core Strategy Review** advised MBC (2018).
- **Bolsover DC Local Plan** advised BDC – plan adopted March 2020 (2018).
- **Shirley v Canterbury City Council & SSCLG** Claim No: CO/3841/2017 – on behalf of Council – s.113 PCPA 04 challenge to Local Plan on Air Quality Directive and SEA compliance (renewal hearing adjourned to allow resolution of R (oao Shirley & Rundell)_v- SSCHLG; Corinthian Mountfield &

Canterbury City Council [2019] EWCA Civ 22. Claim withdrawn March 2020 (2018).

- **Canterbury District Local Plan** advised Canterbury City Council and acted for Council at plan examination – Plan adopted 2017 (2006-2017).

COMPULSORY PURCHASE

- **CPO Sandwell MBC re Carrington Road, Friar Park** – instructed by acquiring authority re comprehensive redevelopment for Council housing and employment (2020).
- **Watford BC (Gateway, Watford Business Park) CPO 2019** – instructed by WBD for acquiring authority; CPO confirmed March 2020 (2020).
- **Hereford DC Highways Orders** (see above) (2018/19).
- **Leicester CC** (171 Anstey Lane, Leicester LE4 0FH) CPO 2013 – s17 Housing Act 1980 based CPO for acquiring authority (2014).

ENFORCEMENT & LAWFUL DEVELOPMENT CERTIFICATES

- **NR Algul Ltd v SSHLG** [2019] EWHC 2023 (Admin) s289 challenge for C – Tapeccrown principles debated (2019).
- **UBB v Essex CC** (see above) [2019] LDC JR for C – interpretation of planning permissions post Supreme Court judgment in Lambeth (2019).
- **Re Land at 280 Faversham Road**, Seasalter, Kent LDC s.192 – advised landowner and obtained LDC following withdrawal of appeal by Council – lawful implementation not lost through subsequent unlawful building and EN (2018).
- **Binning Property Corp Ltd v SSCLG** [2019] EWCA Civ 250 28 – s289 appeal – argued s288 and 289 should be brought into line on appeals to CA following refusal of permission [2018] EWHC 2029 (Admin) (2018).
- **Land at Farnham Lodge, Lower Britwell Road, Slough February 2017 Appeal** (Ref: APP /P0430/C /15/ 3007183 – s174 appeal for County Council; enforcement of mixed use county and district matters; underenforcement; persuaded Inspector not to quash notice and ultimately upheld (2017).
- **GPS Estates Ltd v Secretary of State for Communities and Local Government Viewed Recently** [2015] EWCA Civ 175 – appeared for GPS instructed by DLP; interpretation of policy – airport car parking EN (2015).
- **Newham LBC v Ahmed** [2016] EWHC 679 (Admin); [2016] 2 WLUK 66 [2016] A.C.D. 82 appeared for Def – consideration of service of notices Local Government Act 1972 s.233(2) and s.329(1)(c) of 1990 Act (2016).
- **Wychavon DC v Rodenhurst** [2016] EWHC 2917 (Admin) Case Stated appeal for Council – interpretation of s179(3) defence wrongly applied (2016).
- **GPS Estates v SSCG** [2015] EWCA Civ 175; [2015] J.P.L. 954 appeared for Claimant on s289 challenge – off Gatwick airport related parking (2015).
- **Wingrove v Stratford on Avon** [2015] EWHC 287 (Admin); [2015] P.T.S.R. 708; [2015] J.P.L. 927 first consideration of s.70C 1990 Act (2015).

HOUSING DEVELOPMENT (INQUIRIES AND HEARINGS AND S.288 CHALLENGES)

- **Re: Land at Hartnell's Farm, Monkton Heathfield Road, Monkton Heathfield, Taunton, Somerset, TA2 8NU** s.78 appeal – for appellant Strategic Land Partnership – up to 320 units – removal of condition re 130 limit prior to new road (2018).
- **Re: Land off Martley Rd, Lower Broadheath, Nr Worcester** 2 x s78 appeals for up to 29 dwellings for appellant developer instructed by RCA Regeneration (2017).
- **Thorpe-Smith v SSCLG** [2017] EWHC 356 (Admin) (s288 challenge for claimant) – assisted living scheme – impact on AONB – noise impact evidence – NPPF 14 (2017).
- **R (oao Stewkesbury v Weymouth & Portland** Claim No: CO/5482/ 2016 (unreported) Singh J– (successful JR for claimant of decision to grant failure to give reasons instructed by G Gover) (2017).
- **Re Land South of 37 Langleigh Park, Ilfracombe** Outline Application for an Assisted Living Residential Scheme APP/X1118/W/15/3012049T s78 appeal instructed by SFP for appellant developer Thorpe Smith (see above) (2016).
- **Re Land at Aston Rd, Bampton, Oxfordshire** PINS Reference: APP/D3125/A/14/2217185 s.78 appeal outline scheme for up to 127 dwellings for appellant Gladman – issues re FRA and EA's change of position – creation of new model to assess both fluvial and surface water risk – conditions to reflect new zones; landscape impact (2014/15).
- **Re Land off Green End Lane, Braughing, East Herts** s.78 appeal PINS Reference: APP/J1915/W/15/3004594 – outline scheme for up to 60 dwellings for appellant Gladman – landscape impact (2015).
- **Re land of Mans Hill, Burghfield Common, Reading, Berks** s.78 appeal PINS Reference: APP/W0340/A/14/2226342 outline scheme for up to 210 dwellings for appellant Gladman – landscape impact (2014/15).
- **Re Land West of Walden Rd, Thaxted, Essex** s.78 appeal PINS Reference: APP/D3125/A/14/2217185 outline scheme for up to 120 dwellings for appellant Gladman – heritage and landscape impact (2014).

CIL; S106 PLANNING OBLIGATIONS AND VACANT BUILDING

- **Re Land at 21 Lavender Grove, Hackney** – Reg 113 CIL review and advice leading to successful Reg 114 CIL appeal – challenge to liability notice which had not been served properly – miscalculation of retained parts under Reg 40 (2020).
- **Re land at Cotswold Community School, Ashton Keynes SN6 6QU** – outline of planning permission (ref 16/02609/OUT) for 75 dwellings including 27 replacement dwellings Joint instruction by LPA and Landowner unders.106 terms as expert to determine VBC liability (2020).
- **Bovis Homes** – series of opinions on CIL
2018 Land at Allesborough Farm, Allesborough Hill, Pershore Appeal APP/H1840/W/17/3188250 – VBC claim as part of housing development appeared for appellant instructed by SFP (2019).
- **Newcastle City Council** – Community Infrastructure Levy Examination – appeared on behalf of Bellway CIL (2016).

HIGHWAYS

- **Hereford Highways Orders CPO and SRO** (see above) (2018).
- **R. (on the application of Alexander) v Parking Adjudicator** [2014] EWHC 560 (Admin) 7 Mar 2014 – defined U Turn (2014).

ENVIRONMENTAL LAW, WATER LAW & LAW OF SEWERS AND DRAINS

- **Shirley v Canterbury CC** (see above) representing CC – s.113 challenge to local plan on compliance with AQ Directive and SEA Regulations (2020).
- **FCC Environment v Cheshire East Borough Council; Engine of the North and TGL** [2020] EWHC 470 (QB) – JR of outline permission – large allocated mixed use site representing landowner on EIA related grounds (2019/20).
- **Re: Long Wittenham Neighbourhood Development Plan** advice to SODC re compliance with SEA Regulations (2019).
- **TTT DCO** – ‘super sewer’ (2013-14).
- **Stevens (t/a KCS Asset Management) v Blaenau Gwent CBC** [2015] EWHC 1606 (Admin) – lawfulness of the GPDO in Wales arose re Habitats Directive and EIA legislation – inconsistent treatment of the ecological implications of 2 alternative cable routes was also argued (2015).

LICENSING

- **Re Land at Midpoint Restaurant, Anchor Iron Wharf, Greenwich SE10** advised restaurant on s.106 and licensing implications as well as Highways Act 1980 (2019).
- **Re Anar Persian Kitchen, Portobello Road** licensing hearing RBKC committee (2016).
- **Re Pei Hui Cao** Licensing hearing before Liverpool City Council Committee (2012).

RECOMMENDATIONS

Chambers & Partners - Leading planning junior since 2008

2021 *“She brings enthusiasm and commitment, with a good depth of knowledge in relation to infrastructure projects.” “Celina is able to cut through the detail and provide excellent strategic advice to the client.”* Band 4 - London

2020 *“She is very personable and is involved in high-profile cases.”* Band 4 - London

2019 *“She is extremely knowledgeable and personable and is our go-to barrister for disputed planning matters.” “She has been approachable, friendly, committed and effective. She has provided accessible and clear advice to clients. Her knowledge of the law is exemplary and she displays huge stamina during a case.”*

2018 *"She is extremely good, particularly with clients and consultant teams, and deals with substantial volumes of work diligently."* *"She has an excellent sense of judgement and is excellent at dealing with senior players in the industry."*

2017 *"In court, she has an ability to withstand quite intense questioning. She doesn't get flustered, she is very calm, and she stands firm."*

2016 *"Focuses on large infrastructure projects, particularly highways work. She also has an extensive caseload of planning matters as diverse as town and village greens and compulsory purchase orders. "She is absolutely tenacious."*

2014 *"She is a good and determined advocate, who prepares thoroughly and shows a good mastery of technical information."*

Legal 500 - Leading Planning Junior since 2010/11

2021 *"She has a track record of infrastructure matters."* (Tier 2 London)

2020 *"Highly competent when faced with challenging circumstances."* (Tier 2 London; Tier 1 Midlands)

2019 *"Unfazed by a challenging situation."*

2016 *"Tenacious and incredibly bright."*

2013 *"A robust and well-prepared advocate...good on her feet and charming in the inquiry arena". "She is known for her work on large infrastructure projects, and often represents the Highways Agency."*

QUALIFICATIONS

1988 – Law LLB – University of Buckingham (2nd Class)

Trained and accredited Pupil supervisor

ADDITIONAL INFORMATION

MEMBERSHIPS

PEBA

ALBA

CPA

NIPA

UKELA

Parliamentary Bar Mess

BAR COUNCIL – Law Reform Committee and EU Law Committee (Co-Vice Chair)

EUROPEAN CIRCUIT of the BAR

PUBLICATIONS & EDITING

LEXIS/NEXIS – currently editing a section on *Transport & Works Act 1992* and *Water Industry Act 1991*

Law Brief Publishing “*Practical Guide to CIL*” (due for publication late 2020)

Bar Council – *Justice Week 2020* – Saving the Planet Justice Paper: The Environmental Bill: ground-breaking enviro superhero or not?

- *Brexit Paper 28* – Environmental Law & Regulation (co author)

RECENT PRESENTATIONS

Women in Planning – South Midlands Legal Update (Jan 2019); West Midlands – Legal Update on s73; CIL and Air Quality (April 2019) and London (idem) (Oct 2019)

European Circuit of the Bar’s Annual Conference – panel (chaired by A-G Eleanor Sharpston) on “*Issues of judicial protection post-Brexit*” – addressing issues of environmental justice and climate change (in Rome September 2019).

JUSTICE Annual Human Rights Conference – plenary debate panel chaired by Lord Anderson of Ipswich KBE QC on Justice after Brexit – addressing future Environmental Bill, human rights and climate change (October 2019).

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