



“Offers sound, strategic advice” “She has a good brain and is a strong advocate”

Chambers & Partners

“Regarded as one of the country’s most promising junior barristers”

The Planner magazine

Rose Grogan has a multi-disciplinary practice, specialising in environmental and planning law, public law (including commercial public law), and construction law and energy law. She is an experienced advocate, and appears regularly in the High Court, tribunals and public inquiries.

Rose is highly regarded across a number of practice areas: she is ranked in Chambers and Partners for environmental law and local government law and regularly features in industry lists of top rated junior counsel (Legal Week’s Stars at the Bar, Planning Magazine top juniors under 35, The Planner’s women of influence). She is a member of the Attorney General’s B Panel of Counsel. She is currently instructed as second junior counsel to the Grenfell Tower Inquiry.

PRACTICE AREAS

- Planning, Environment & Property
- Public, Administrative & Procurement Law
- Construction

SECTORS

- Energy

PRACTICE AREAS

PLANNING, ENVIRONMENT & PROPERTY

ENVIRONMENT

- Air Quality: Rose acted for the Mayor of London in *R (on the application of ClientEarth) v Secretary of State for Local Government* and has recently advised a local authority on its plans to implement a clean air charging zone. She is one of the go-to counsel in this area of law.
- Contaminated Land: Rose acted as junior counsel to Stephen Tromans QC in *Price and Hardwicke v Powys CC* [2017] EWCA Civ 1133 relating to whether local authorities can inherit liability for contaminated land from their predecessors under Part IIA Environmental Protection Act 1990.
- Birds and Habitats Directives, in particular marine habitats and protected species. She acted for the Wildlife Trusts and successfully secured a condition naming the Wildlife Trusts as a consultee on mitigation measures for the Hornsea 2 offshore wind development. She has also advised on European Commission infraction proceedings for breach of the Habitats Directive.
- Statutory Nuisance, Rose has acted in criminal matters relating to noise.
- Nuclear energy, Rose has acted on multi-million pound disputes relating to nuclear facilities.

PLANNING

- All aspects of the planning process for local planning authorities and developers. She regularly represents the Secretary of State in High Court challenges and is an experienced inquiry advocate. Rose has also acted as prosecution and defence counsel in criminal enforcement matters.
- Higher education: in particular campus redevelopment and heritage issues. Notable cases include *R (on the application of Save Britain's Heritage and the Victorian Society) v Sheffield City Council* [2013] EWCH 2456. She recently acted for the University of Sussex in a successful appeal against the refusal of permission for its Masterplan (led by James Strachan QC) which raised issues of heritage, landscape and student housing. Rose also represents university clients at examinations in public.
- Air quality
- Noise issues, in particular cases concerning night clubs and music festivals.

PUBLIC, ADMINISTRATIVE & PROCUREMENT LAW

Rose's public law practice centres on healthcare, local government and procurement. She also has a particular interest in fertility law and has significant experience in claims arising out of the Human Fertilisation and Embryology Acts.

Rose's public law experience includes:

- Public Inquiries: Rose is currently acting as second junior counsel to the Grenfell Tower Inquiry
- Commercial Public Law and Procurement. In 2016, Rose was junior counsel to the Legal Aid Agency in the Duty Solicitors Tender litigation. She regularly acts for central government departments in procurement matters and has a growing claimant practice. Her particular areas of expertise include health, transport and construction.
- Commissioning, including advising NHS bodies on commissioning policy at national and local level and service reconfiguration. She was junior counsel to Fenella Morris QC in a series of high profile judicial reviews about new NHS models of care: R. (on the application of Shepherd) v NHS Commissioning Board [2018] EWCA Civ 2849; R. (on the application of Hutchinson) v Secretary of State for Health and Social Care [2018] EWHC 1698 (Admin).
- Disputes under NHS Contracts. Rose recently acted in a multi-million pound expert determination between a CCG and private provider.
- Human Rights: Rose acted for the Claimants in a series of linked judicial reviews where women had been unlawfully imprisoned for failure to pay council tax (led by Cathryn McGahey QC) R. (on the application of Woolcock) v Secretary of State for Communities and Local Government [2018] EWHC 17. She has also acted in a number of cases concerning the duty to investigate under article 2 ECHR.
- Community Care including ordinary residence disputes, funding issues (direct payments, deferred payments) and judicial review claims. In 2015 Rose appeared (led by Fenella Morris QC) in the case of R. (on the application of Whapples) v Birmingham CrossCity Clinical Commissioning Group [2015] EWCA Civ 435 which concerned the interpretation and application of s.3 NHS Act 2006 and the meaning of "other accommodation".
- Local Government: Rose regularly acts for local councils in planning and environmental cases and cases relating to contracting out of services.
- Rose has a particular interest in fertility law and regulation and was involved in the high profile case of Warren v Care Fertility (Northampton) Ltd [2014] EWHC 602. Since then she has been instructed by individuals and fertility clinics on issues of the storage and use of gametes, parenthood and 8 ECHR. R (on the application of M) v Human Fertilisation and Embryology Authority [2016] EWCA Civ 611, Jefferies v BMI Healthcare Ltd [2016] EWHC 2493 and two parentage cases arising out of the decision in Re A (Human Fertilisation and Embryology Act 2008: Assisted Reproduction: Parent) [2015] EWHC 2602.

CONSTRUCTION

COMMERCIAL AND CONSTRUCTION LAW

Rose has been instructed in several multi-million pound construction arbitrations, domestically and abroad. She has particular experience in working with public sector clients, including local authorities, NHS bodies and central government departments.

Rose's experience in commercial and construction law includes:

- Construction Law, adjudication and professional negligence of construction professionals. She is familiar with the standard form contracts, with particular experience in FIDIC contracts. Rose also represents clients from the construction industry in planning and environmental disputes.

- Regulatory compliance, in particular relating to fire safety. Rose is currently second junior counsel to the Grenfell Inquiry. In the past, she has acted for a public sector client in a long-running building dispute relating to fire safety defects in residential buildings and assembly/entertainment buildings.
- PFI disputes
- Energy disputes including wind farms, geothermal energy, oil and gas, mining, hydropower and nuclear.
- International and domestic arbitration. Rose spent 6 months working with a leading international law firm in Singapore, assisting on oil & gas, energy and infrastructure dispute and arbitrations. She was later instructed as counsel in a multi-million dollar arbitration relating to a hydropower project in South East Asia.
- Notable cases include: *Secretary of State for Defence v Turner Estate Solutions Ltd* [2015] EWCH 1150 (TCC) (under s.45) and *Secretary of State for Defence v Turner Estate Solutions Ltd* [2014] EWHC 244 (TCC) (under s.68).

Rose has worked with electronic case databases (in lieu of paper bundles) when instructed on high value litigation with substantial documentation. She is happy to accept instructions on litigation conducted in this manner.

SECTORS

ENERGY

Rose has a broad range of experience in Energy Law, complemented by her expertise in the fields of Construction, Planning & Environmental and Public/Regulatory law. Her experience in Energy Law includes:

- Natural resources including hydropower and geothermal energy: Rose has experience of international disputes as well as litigation and arbitration in the United Kingdom. Recent cases include a multi-million dollar dispute relating to the mining industry and she has previously acted on cases arising out of renewable energy projects in South East Asia (hydropower and geothermal energy).
- Oil & Gas: In addition to her experience in Singapore, Rose has advised a number of clients on the legal issues arising out of natural gas fracking in the UK.
- Nuclear Energy: Rose has acted as counsel on a number of linked disputes relating to a construction project at a nuclear site raising issues of nuclear design and health and safety.
- Renewables: Rose has particular experience in planning disputes relating to wind energy. She acted for the Wildlife Trusts and successfully secured a condition naming the Wildlife Trusts as a consultee on mitigation measures for the Hornsea 2 offshore wind development. Other cases include *Wind Prospect Developments Ltd v Secretary of State for Communities and Local Government* [2014] EWHC 4041.

CASES

R (on the application of Shepherd) v NHS Commissioning Board [2018] EWCA Civ 2849

R (on the application of Hutchinson) v Secretary of State for Health and Social Care [2018] EWHC 1698 (Admin)

R (on the application of Buckingham) v NHS Corby Clinical Commissioning Group [2019] EWHC 2080

R (on the application of Hawking) v Secretary of State for Health and Social Care [2018] EWHC 989

Price and Hardwicke v Powys CC [2017] EWCA Civ 1133

R (on the application of Hillingdon LBC) v Secretary of State for Transport [2017] 1 WLR 2166

R (on the application of Woolcock) v Bridgend Magistrates Court [2017] EWHC 34

R (on the application of ClientEarth) v Secretary of State for the Environment, Food and Rural Affairs [2017] EWHC 2740

Jefferies v BMI Healthcare [2016] EWHC 2493

R (on the application of M) v Human Fertilisation and Embryology Authority [2016] EWCA Civ 611

Secretary of State for Defence v Turner Estate Solutions Ltd [2015] EWHC 1150 (TCC)

R (on the application of Whapples) v Birmingham CrossCity Clinical Commissioning Group [2015] EWCA Civ 435

Warren v Care Fertility (Northampton) Ltd [2014] EWHC 602

Secretary of State for Defence v Turner Estate Solutions Ltd [2014] EWHC 244 (TCC)

R (Antoniou) v Central & North West London NHS Foundation Trust and Others [2013] EWHC 2055 (Admin)

R (on the application of SAVE Britain's Heritage and the Victorian Society) v Sheffield City Council and the University of Sheffield [2013] EWHC 2456

QUALIFICATIONS

2009/2010 BVC, Outstanding, City University

2008/2009 LLM Comparative Law, McGill University

2005-2008 BA, First Class, Oxford University, Lincoln College

Scholarships & Prizes

2010 Hubert Greenland Scholarship, Lincolns Inn

2009 Buchanan Prize, Lincolns Inn

2009 Cassel Scholarship and Hardwicke Entrance Award, Lincolns Inn

2008 Provost's Fellowship, McGill University

2008 College Prize, Lincoln College

ADDITIONAL INFORMATION

Before coming to the Bar, Rose led a team of students who advised the bench of the Special Court for Sierra Leone on matters of international humanitarian law and criminal law. She has also taught public law at Queen Mary University.

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